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EDITORIAL CORRECTION

The table of contents in the September 20, 2002 edition of the California Regulatory Notice Register (Register 2002, No. 38Z) incorrectly describes the notice as “Past Graduate Training” for the Medical Board of California. The correct description should have read “Post Graduate Training”.

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 2. STATE ALLOCATION BOARD

NOTICE OF PROPOSED REGULATORY ACTION

THE STATE ALLOCATION BOARD PROPOSES TO AMEND REGULATION SECTIONS 1859.79, 1859.79.3, 1859.81.1, 1859.83, AND 1859.107, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend the above-referenced regulation sections contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposals substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend these regulations under the authority provided by Sections 17070.35, 17072.13, and 17075.15 of the Education Code. The proposals interpret and make specific reference to Sections 17070.35, 17070.63, 17072.20, 17072.33, 17074.15, 17074.16, 17074.25, 17074.56, 17075.10, 17075.15, 17077.10, 100420(c) of the Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The SAB adopted regulations to implement the Leroy F. Greene School Facility Act of 1998, which were approved by the Office of Administrative Law and filed with the Secretary of State on October 8, 1999. Amendments to these regulations are being proposed.

Existing Regulation Section 1859.79 establishes the required amount for the district's matching share for modernization grants, additional grants, facility hardship grants, and excessive cost hardship grants based on the 80/20 funding. The proposed amendments establish the required amount for the district's matching share for modernization grants, additional grants, facility hardship grants, and excessive cost hardship grants based on the 60/40 funding.

Existing Regulation Section 1859.79.3 establishes the minimum number of modernization grants a district must request and specifies that modernization requests not meeting this criteria after a certain date will not be accepted by the SAB. The proposed amendment provides an exception to the minimal request requirement.

Existing Regulation Section 1859.81.1 specifies the limits for separate grant amounts for those districts meeting the financial hardship requirements. It also provides for an off-set in certain circumstances and establishes the procedure for a district seeking a separate site and/or design apportionment. The proposed amendments provide further direction to school districts seeking funding for modernization.

Existing Regulation Section 1859.83 provides an additional grant amount to the School Facility Program New Construction and Modernization Grants, as a result of unusual circumstances that created excessive project costs beyond the control of the district. The proposed amendments specify: 1) what the percentage of the grant amount will be, based on the cost estimate, for approved applications received pursuant to certain dates; 2) the grant change, due to the funding ratio, for two-stop elevators based on certain dates the approved application was received; and 3) the grant change, due to the funding ratio, for each additional stop of the new elevator based on certain dates the approved application was received.

Existing Regulation Section 1859.107 provides for the withdrawal and re-submittal of applications in order to benefit from changes in the law or regulations. The proposed amendments allow projects to continue without withdrawing the application and redesigning the plans in order to accommodate available district funding. This process enables the project to continue without loss of submittal date.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the state pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not

require local agencies or school districts to incur additional costs in order to comply with the proposed regulations.

ECONOMIC IMPACT

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact on businesses or private persons that might result from the proposed regulatory action and the following determinations have been made relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- There will be no impact in the creation or elimination of jobs within the state, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.
- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the state.
- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.

EFFECT ON SMALL BUSINESSES

It has been determined that the adoption of the regulation sections will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. These regulations only apply to school districts for purposes of funding school facility projects.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax, must be received at the OPSC no later than December 9, 2002 at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Lisa Jones
Regulation Coordinator

Mailing Address: Office of Public School
Construction
1130 K Street, Suite 400
Sacramento, CA 95814

E-mail Address: lisa.jones@dgs.ca.gov

Fax No.: (916) 445-5526

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Lisa Jones at (916) 322-1043. If Ms. Jones is unavailable, these questions may be directed to the backup contact person, Dennis Boydstun, at (916) 322-0327.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulation should be addressed to the agency's regulation coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in ~~strikeout~~/underline.
2. A copy of this notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.opsc.dgs.ca.gov> under "Regulations," then click on "Proposed Regulations."

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SAB would be more effective in carrying out the purpose of which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulation coordinator named in this notice or may be accessed on the Web site listed above.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3700, subsection (c) of the regulations in Title 3 of the California Code of Regulations pertaining to Oak Mortality Disease Control as an emergency action. The Department proposes to continue the regulation as amended.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of

Food and Agriculture, may certify that there was compliance with provisions of 11346.1 of the Government Code within 120 days of the emergency regulation.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before December 9, 2002.

INFORMATIVE DIGEST//POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry in California and prevent the spread of injurious pests (Food and Agricultural Code, Sections 401 and 403). Existing law also provides that the Secretary may establish maintain, and enforce such regulations, as he deems necessary, to prevent the spread of pests to protect California's agricultural industry (Food and Agricultural Code Section 5322).

The amendment of Section 3700(c) establishes that portions of coast redwood, *Sequoia sempervirens*, and Douglas-fir, *Pseudotsuga menziesii* var. *menziesii*, plants are included as regulated articles and commodities. The effect of the amendment is to provide authority for the State to regulate movement of hosts or potential carriers of the disease within and from the regulated area to prevent artificial spread of the pest to non-infested areas to protect California's agricultural industry. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3700 does impose a mandate on local agencies, but not on school districts. Reimbursement will be made for costs resulting from this mandate from the \$388,000 budgeted for this purpose.

The Department has also determined that the amended regulation will involve no additional costs or savings to any state agency because funds for state costs are already appropriated, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable savings to local agencies or costs or savings to school districts under Section 17561 of the Government Code, funds for reimbursement for costs to local agencies have already been appropriated, and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impact of the amended regulation on a representative private person or business is not expected to be significantly adverse. A representative person or business could incur costs of approximately \$138 per year in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed amendments to the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY

The Department amended Section 3700, subsection (c) pursuant to the authority vested by Sections 407, 5321 and 5322 of the Food and Agricultural Code of California.

REFERENCE

The Department amended Section 3700, subsection (c) to implement, interpret and make specific Sections 24.5, 5321 and 5322 of the Food and Agricultural Code; Sections 11425.50 and 11440.10, Government Code; Section 1084 *et seq.*, Code of Civil Procedure.

EFFECT ON SMALL BUSINESS

The amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown,

Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov.

In his absence, you may contact Kris Peebles at (916) 654-1017. Questions regarding the substance of the proposed regulations should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/cdfa/pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of amendment by contacting the agency officer (contact) named herein.

TITLE 5. BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

Children with Disabilities

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

The State Board will hold a public hearing beginning at 11:00 a.m. on Thursday, December 12, 2002, at 1430 N Street, Room 1101, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments

orally notify the Regulations Adoption Coordinator of such intent. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Adoption Coordinator. All written comments must be received by the Regulations Adoption Coordinator no later than the close of the public hearing scheduled to start at 11:00 a.m. on Thursday, December 12, 2002. Requests to present oral statements at the public hearing or written comments for the State Board's consideration should be directed to:

Pat McGinnis, Regulations Adoption Coordinator
California Department of Education
LEGAL DIVISION
1430 N Street, Room 5319
P.O. Box 944272
Sacramento, California 94244-2720
Telephone : (916) 319-0649 FAX: (916) 319-0155
E-mail: pmcginni@cde.ca.gov

AUTHORITY AND REFERENCE

Authority for these regulations is found in Education Code section 56100 (a) and (i), giving the State Board of Education authority to adopt rules and regulations necessary for the efficient administration of Part 30 of the Education Code; and in accordance with the requirements of federal law, adopt regulations for all educational programs for individuals with exceptional needs, including programs administered by other state or local agencies.

Reference: 20 USC 1412(a), Individuals with Disabilities Education Act (IDEA); Part 300, 34 Code of Federal Regulations (CFR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The State Board proposes to add Article 3.5, Sections 440–450 to Subchapter 2 of Chapter 2 of Division 1; add Sections 3015, 3020, 3032, 3041, 3044, 3082.1, 3082.5, and 3086.5 to Subchapter 1 of Chapter 3 of Division 1; and amend Sections 3001, 3052, 3080, and 3082 to Subchapter 1 of Chapter 3 of Division 1 of Title 5 of the California Code of Regulations. These sections pertain to individuals with exceptional needs.

As part of California's eligibility documents and grant application for funds under Part B of the Individuals with Disabilities Education Act (IDEA)(20 USC 1400 et seq.), the State of California is required to make revisions to the regulations in Subchapter 2 of Chapter 2 and Subchapter 1 of Chapter 3 of Division 1 of Title 5 of the California Code of Regulations. The

proposed changes specifically address the 1997 IDEA amendments and 1999 IDEA regulations in Part 300 of the Code of Federal Regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Costs to any local agency or school district which must be reimbursed in accordance with Government Code section 17561: None

Other non-discretionary cost or savings imposed on local educational agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The State Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Affect on small businesses: None.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations should be directed to:

Janet Canning, Consultant
California Department of Education
Special Education Division
428 J Street, Suite 500
Mailing Address: P.O. Box 1738
Sacramento, CA 95812-1738

E-mail: jcanning@cde.ca.gov
Telephone: (916) 327-4217
FAX: (916) 323-9781

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to Pat McGinnis, Regulations Adoption Coordinator, or to the backup contact person, Debra Strain, Regulations Analyst, at (916) 319-0641.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Adoption Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this notice. If the State Board makes modifications which are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before the State Board adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Adoption Coordinator at the address indicated above. The Regulations Adoption Coordinator will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Sta-

teent of Reasons, can be accessed through the California Department of Education's website at <http://www.cde.ca.gov/regulations>.

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **December 12, 2002** at 11:00 a.m. in the Auditorium Room 102 of the Office Bldg. 9, 744 P Street, Sacramento, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **December 12, 2002** following the Public Meeting in the Auditorium Room 102 of the Office Bldg. 9, 744 P Street, Sacramento, California.

At the Public Hearing, the Board will consider the public testimony on the proposed changes noticed below to occupational safety and health regulations in Title 8 of the California Code of Regulations.

BUSINESS MEETING: On **December 12, 2002** following the Public Hearing in the Auditorium Room 102 of the Office Bldg. 9, 744 P Street, Sacramento, California.

At the Business Meeting, the Board will conduct its monthly business.

The meeting facilities and restrooms are accessible to the physically disabled. Requests for accommodations for the disabled (assistive listening device, sign language interpreters, etc.) should be made to the Board office no later than 10 working days prior to the day of the meeting. If Paratransit services are needed, please contact the Paratransit office nearest you.

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Unfired

Pressure Vessel Safety Orders and Construction Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on December 12, 2002.

1. TITLE 8: UNFIRED PRESSURE VESSEL SAFETY ORDERS
Chapter 4, Subchapter 1
Sections 451 and 527
Scope and Application of Article 7
Liquefied Natural Gas
2. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS
Chapter 4, Subchapter 7
Article 98, Section 5006 and New Section 5006.1
Crane Operator Qualifications and Certification

A description of the proposed changes are as follows:

1. TITLE 8: UNFIRED PRESSURE VESSEL SAFETY ORDERS
Chapter 4, Subchapter 1
Sections 451 and 527
Scope and Application of Article 7
Liquefied Natural Gas

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

The existing statement of scope and application found at the beginning of Article 7 of the Unfired Pressure Vessel Safety Orders has created substantial confusion among the regulated public as to whether the provisions of Article 7 apply to mobile liquid natural gas refueling operations. Specifically, the language of Section 451 and the introductory language of Article 7 contain wording that create a substantial question as to whether the provisions of Article 7, specifically Section 527, are intended to apply to the delivery of natural gas from LNG refueling trucks into LNG-powered vehicles or storage vessels or systems. This is because Section 451 and the introductory language of Article 7 suggest that the Unfired Pressure Vessel Safety Orders and Article 7 do not apply to operations to which regulations enforced by the California Highway Patrol apply. Section 935 of Title 13 of the California Code of Regulations contains provisions applicable to vehicles equipped with LNG fuel systems, including a requirement that the vehicles be equipped with methane gas detection systems.

This clarity issue was brought to the Division's attention by an inquiry from the City of Los Angeles in which the City expressed confusion over whether Section 527 was intended to apply to mobile liquid natural gas refueling operations. The inquiry was made because of the City's plans to establish fueling

operations involving the dispensing of LNG from mobile supply trucks as well as from stationary tanks. The Division has on occasion advised the public that Article 7, including Section 527, applies to mobile liquid natural gas refueling operations. The proposed amendments to Section 451 and the introductory language to Article 7 will resolve the clarity issue by making it clear that Article 7 does apply to these LNG delivery operations.

In addition, it was brought to the Division's attention by the City of Los Angeles that Section 527 requires the odorization of natural gas. The requirement for odorization exists because natural gas has no odor and can exist in hazardous concentrations that go undetected because of its odorless quality. Odorization renders natural gas readily detectable in low concentrations by the human sense of smell.

While it is not feasible at this time to odorize LNG, the extreme explosive and flammable nature of LNG makes it imperative that a means exist to warn those present of the existence of LNG leaks. The proposed amendment to Section 527 will fill this gap by requiring that LNG delivery operations take place while methane gas detection systems are in operation, thus providing a safe alternative to the odorization requirement.

Section 451. Unfired Pressure Vessels Not Subject to These Safety Orders.

Section 451(c)

Existing Section 451 specifies those unfired pressure vessels that are not subject to the Unfired Pressure Vessel Safety Orders. Section 451(c) specifies, "Natural gas vessels and installations and air brake tanks subject to the jurisdiction and inspection of the Public Utilities Commission, the Department of Transportation, or the Highway Patrol." In order to eliminate inconsistencies between this section and the proposed amendments to Article 7, an amendment is proposed to Section 451(c) to make it clear that its exclusions do not apply to Article 7 of these Orders. It is also proposed to revise "Highway Patrol" to read, "Department of the California Highway Patrol." The proposed amendment will have no effect other than to provide clarity and harmony within existing regulations.

Article 7. Compressed and Liquefied Natural Gas System.

The existing scope and application of Article 7 states that the provisions of Article 7 apply to the storage, dispensing and use of natural gas as a motor fuel except in vehicles that are licensed to travel on highways, for which the standards of the California Highway Patrol apply. It is proposed to replace the phrase, "except in vehicles that are licensed to travel

on highways, for which the standards of the California Highway Patrol apply” with “but do not apply to the storage or use of natural gas on public roads and highways.” The proposed revision will clarify that Article 7 applies generally to the storage, dispensing and use of natural gas as a motor fuel, but specifically does not apply to the storage or use of natural gas on public roads or highways. The proposed revision will have no effect on the regulated public.

Section 527. Control of Products in Tanks and Cylinders.

Existing Section 527 addresses minimizing natural gas contaminants so as to prevent adverse effects on storage and utilization equipment and the odorization of natural gas for leak detection purposes. It is proposed to reformat this section, consistent with other sections contained in these Orders, into 3 subsections: (a) General, (b) Compressed Natural Gas, and (c) Liquefied Natural Gas. The existing odorization requirement in existing subsection (b) is proposed to apply to Compressed Natural Gas only since, due to its chemical properties, odorization of LNG is not feasible. It is also proposed to revise the phrase, “1/5 the lower limit of flammability” with “20 percent of the lower explosive limit”, with regard to the concentration of gas in air that must be detectable, to be consistent with current industry terminology. And, new subsection (c) is proposed which will address the monitoring and warning of methane gas leaks with regard to the delivery and storage of LNG as follows:

(c) Liquefied Natural Gas.

The delivery of LNG into any vessel or system covered by these Orders shall be subject to monitoring by a methane gas detection system, as follows:

- (1) Each methane gas detection system required by this section shall provide a warning when a methane gas concentration exceeding 20 percent of the lower explosive limit is detected. The warning shall be plainly audible and visible to those within the zone of potential exposure to fire or explosion of the vessel, system, or delivery operation.
- (2) Where LNG is delivered into a vessel or system that is part of a motor vehicle, the methane gas detection system shall function continuously during the course of the delivery operation so that methane leaks exceeding 20 percent of the lower explosive limit will be detected in the immediate vicinity of the operation.
- (3) Where LNG is delivered to any other vessel or system covered by these Orders, the methane gas detection system shall function continuously during the course of the delivery operation so that methane gas leaks exceeding 20 percent of the

lower explosive limit will be detected in the immediate vicinity of the operation and the entire vessel or system into which the LNG is delivered. After delivery is completed, the methane gas detection system shall be operated continuously in the immediate vicinity of the entire vessel or system into which the LNG was delivered for as long as the vessel or system contains LNG.

- (4) Nothing in this section is intended to supercede or alter the applicable requirements of 13 CCR Section 935.

The proposed amendments will require that a methane gas detection system be provided in the immediate vicinity of an LNG dispensing operation and storage vessel/system and will ensure that methane gas leaks are detected and that personnel working within the vicinity of such operations/systems are appropriately alerted.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

The proposed changes to section 527 codify practices already implemented by the effected businesses within the state. The cost of not implementing the proposed changes, the risk of explosions and fires, far outweighs whatever minor costs may be incurred by businesses currently not complying with the general practices of the industry.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under “Determination of Mandate.”

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

These proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed regulations do not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

These proposed regulations do not impose unique requirements on local governments. All employers—state, local and private—will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses.

ASSESSMENT

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention

of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

2. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS

Chapter 4, Subchapter 7

Article 98, Section 5006 and New Section 5006.1

Crane Operator Qualifications and Certification

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This proposal separates California’s existing Section 5006 operator qualifications requirements into two distinct sections. Existing Section 5006 remains intact and applies to all cranes with the exception of mobile cranes having a boom length of more than 25 feet or a maximum rated lifting capacity of more than 15,000 pounds and tower cranes. A new Section 5006.1 is created that will address mobile cranes of a certain size limit and tower cranes and contains language that addresses operator qualifications, certificates of competency, physical examinations, certifying entity acceptance, substance abuse testing, written and practical (hands-on) examinations, re-certification, trainees and effective dates.

Existing Section 5006 of the GISO addresses the issue of qualifications for employees who operate cranes or hoisting apparatus and requires the employer to ensure that employees who operate such equipment are qualified to do so before being permitted to operate the equipment. However, the regulation is silent as to what constitutes a “qualified” operator as it does not specify minimum criteria for competency, physical ability, training, testing, etc.

California’s Group 13 safety orders which includes Section 5006 do not specify a threshold lifting capacity that could be used to determine applicability of the safety orders. Therefore, any equipment which is classified as a crane or hoisting apparatus under current Group 13 regulations is covered by existing Section 5006. The U.S. Department of Labor, Occupational Safety and Health Administration (Federal OSHA) addresses the issue of crane operator qualifications indirectly in 29 CFR 1926 Subpart N, Cranes, Derricks, Hoists, Elevators and Conveyors, specifically Part 1926.550, which regulates cranes and derricks. With specific regard to mobile cranes and tower cranes (the two types of cranes addressed in the proposed new Section 5006.1), Part 1926.550 states that all crawler, locomotive and truck cranes (includes mobile cranes) are to meet the applicable requirements for design, inspection, construction, testing, maintenance and operation as prescribed by the American

National Standards Institute (ANSI) B30.5-1968 standard. It is in the operation section of this standard that operator qualifications (which includes testing) are addressed. However, they are not addressed to the same extent as contained in this proposal that, in part, is based on more comprehensive requirements set forth in the more recent American Society of Mechanical Engineers (ASME) B30.5a-1995 standard.

This proposal is the result of two petitions, OSHSB File Nos. 404 and 409 submitted by Ms. Bo Bradley, Associated General Contractors (AGC) of California and Mr. Brad Closson, North American Crane Bureau (NACB), respectively. The Petitioners opined that California's existing Section 5006, Crane Operator Qualifications requirements were too vague/non-specific to be effective in ensuring that crane operators are qualified to operate cranes and hoisting equipment. Both petitions proposed amendments to Title 8 crane regulations that would specifically address certificates of competency, operator physical qualifications, training, etc. The petitions were granted by the Board to the extent that an advisory committee be convened by Board staff.

Section 5006. Operator Qualifications.

Existing Section 5006 contains subsections (a) and (b), which in generic, performance terms only allow employers to permit employees who are trained or known to be qualified to operate cranes or hoisting apparatus. Section 5006 permits trainees to be authorized by the employer to operate cranes and/or hoisting apparatus, provided they are under the supervision of a qualified operator.

A revision is proposed to amend the section title to read "Crane and Hoisting Equipment Operators-Qualifications" and to delete the phrase ". . . or known to be qualified. . ." in subsection (a). An EXCEPTION from this section is proposed that specifically excludes mobile and tower cranes as regulated by new Section 5006.1.

The proposed revisions will clarify to the employer that Section 5006 pertains to cranes and hoisting equipment. The proposed revisions also eliminate vague and ambiguous language relating to the qualification of a crane/hoisting apparatus operator. The proposed EXCEPTION statement will clarify to the employer that mobile cranes and tower cranes regulated in Section 5006.1 are excluded from the requirements of Section 5006, which apply to all other cranes.

New Section 5006.1. Mobile Crane and Tower Crane-Operator Qualifications and Certification.

New Section 5006.1 consisting of six subsections (a-f) and entitled "Mobile Crane and Tower Crane-Operator Qualifications and Certification" addresses specific operator qualifications for employees who

operate mobile and tower cranes and includes the following: certificates of competency, physical examinations and substance abuse testing, written and hands-on (practical) examinations, acceptance of the National Commission on Certifying Agencies (NCCA) accredited certifying entities, re-certification of operators, trainees, effective dates and three exceptions pertaining to the types of mobile cranes excluded, operation of digger-derrick trucks and marine terminals.

New subsection (a) addresses operator qualifications and requires that only employees issued a certificate of competency be allowed to operate cranes. The proposed subsection requires the employer to ensure that the operator has been issued a valid certificate of competency (certificate) based on the qualifications criteria specified in (a)(1)-(4). The criteria includes documentation certifying that the employee has passed a physical examination, has passed a substance abuse test, has passed a written examination, which at a minimum addresses operational characteristics and controls, emergency control skills that are appropriate for the type of crane or hoisting equipment the employee intends to operate, and has demonstrated the ability to read and comprehend the crane manufacturer's operation and maintenance instruction materials, including load capacity information, and exhibit mathematical skills. In addition, the proposal requires those employees who are issued certificates to have knowledge depending on which type of crane(s) the employee intends to operate, of specific chapters of the ASME B30.5a-1995 (mobile cranes) or B30.4-1996 (tower cranes) standard relating to operation of the crane.

As a prerequisite to receiving the certificate of competency required in subsection (a), the employee will have to pass a "hands-on" examination to demonstrate proficiency in the specific type of crane the employee intends to operate.

The effect of the proposed regulations requires the employer to ensure that employees have obtained a certificate of competency from an accredited certifying agency prior to operating mobile or tower cranes.

New subsection (b) requires the certificate of competency to be issued by the certifying entity and be valid for a maximum of five (5) years.

New subsection (b) merely clarifies to the employer that only an accredited certifying entity may issue the certificate of competency and the length of time the certificate of competency is valid.

New subsection (c) clarifies which organizations constitute "Accredited Certifying Entities and states that any organization's certification program that is accredited by the NCCA is a certifying agency. The role of the certifying entity is to issue the certificate of competency to the prospective mobile or tower crane

operator upon a finding that the employee meets the qualifications specified in subsection (a)(1)–(4). The certifying entity may be an employer, collective bargaining organization, or other third party.

The proposed regulation will not have any direct impact upon the employer except to clarify that only certificates of competency issued by organizations accredited by the NCCA will be acceptable in terms of the requirements in new subsection (a).

New subsection (d) specifies that operators must re-certify every five years and permits operators who are able to document at least 1000 hours of experience operating a crane covered by Section 5006.1 and who meet the physical, substance abuse, and written exam requirements specified in new subsections (a)(1), (2), and (3) to re-certify without taking the hands-on examination. Employees unable to certify 1000 hours must take the hands-on examination in addition to (a)(1)–(3).

Proposed subsection (d) clarifies to the certifying entity how a crane operator with previous experience in crane operation is to re-certify pursuant to the requirements of Section 5006.1 to the extent that the operator possesses the requisite 1000 hours of documented experience operating a crane covered by this section and meets the physical and substance abuse requirements and has passed the written examination.

New subsection (e) permits trainees to operate mobile or tower cranes covered by new Section 5006.1 provided they are under the direct supervision of an operator possessing a valid certificate of competency specifically for the same type of crane the trainee intends to operate.

New subsection (e) clarifies to the employer under what conditions a trainee may be authorized to operate a mobile or tower crane.

Subsection (e) also clarifies to the employer what is meant by the phrase “direct supervision” and clarifies to the employer how trainees are to be supervised in accordance with the requirement in subsection (e).

New subsection (f) specifies the effective date for the requirements of Section 5006.1 as being June 1, 2005.

Proposed subsection (f) ensures that the California marketplace will have sufficient time for outside testing entities and those employers who seek to certify in-house to become accredited and offer/implement certifying programs that satisfy the requirements of Section 5006.1 for mobile and tower cranes.

Three “EXCEPTIONS” are proposed which will exclude: (1) mobile cranes having a boom length of less than 25 feet or a maximum rated lifting capacity of less than 15,000 pounds; (2) electric line trucks (digger/derrick trucks) as defined in Section 2700 of the Electrical Safety Orders and used by utility

companies that are regulated by Section 2940.7 of the High Voltage Electrical Safety Orders; and (3) cranes used at marine terminal operations regulated under Article 14 of the GISO.

The proposed exceptions clarify which operations/equipment are excluded from the proposed requirements contained in Section 5006.1.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

Board staff has identified two state agencies: the California Department of Transportation and the Department of Water Resources as being the two primary public agencies who own and operate mobile cranes which are covered by the proposal and, who will experience cost impact as a result of the proposed language. (See addendum to Form 399 for specific details).

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The proposal applies to tower cranes and mobile cranes with a boom length of 25 feet or more or a maximum lifting capacity of 15,000 pounds or more. These two categories represent a small percentage of the total number and type of cranes in use in California. During the course of the advisory committee and subcommittee deliberations, it became apparent to staff that California employers and organized labor have, as has been shown to be the case in the rest of the country, recognized both the value, benefit and importance of having qualified operators at the controls of their cranes. Many employers and both Operator Engineer bargaining units (Locals 12 and 3) in California currently subject their operators to not only crane operator training consistent with California’s Section 3203 Injury Illness Prevention Program requirements, but to certification either in-house or by accredited certifying entities such as NCCCO. The consensus opinion of members of staff’s crane operator certification/qualifications subcommittee confirms that the proposal is essentially consistent with what a significant number of employers and Labor in California have been doing for a number of years in terms of certification. Finally, some consideration should be given to the fact that the costs of certification, which include testing, physical examinations and substance abuse determinations, when amortized over a five year time period present costs that are insignificant compared to the employer’s overall operating costs and the direct and indirect costs associated with a single crane accident that most likely could involve employee injuries, fatality, imperiling

the public and property damage. Therefore, The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

Current Title 8 regulations already require all operators of cranes and hoisting equipment in California to be qualified. The existing regulations also specify that trainees are to be permitted to operate a crane or hoisting apparatus under the supervision of a qualified operator. The proposal clarifies in specific terms what constitutes "being qualified" to operate a mobile crane and a tower crane and supervise trainees; all other types of cranes are not affected, and therefore, there will be no impact upon employers who operate cranes other than the cranes and hoisting equipment regulated by new Section 5006.1. For all other types of cranes, the existing requirements of Section 5006 remain unchanged. For those employers who operate mobile cranes covered by proposed Section 5006.1 and/or tower cranes, the overall cost impact is expected to be minimal.

Organizations such as the National Commission for the Certification of Crane Operators (NCCCO) or the North American Crane Bureau (NACB) have the capability to perform testing and certification. Staff learned that the NCCCO can feasibly modify its testing/certification programs to meet the proposed testing/certification requirements. Typical NCCCO costs for the written and practical examination that would cover mobile crane operations run approximately \$550 per operator. The costs for substance abuse testing and the physical examination are \$440 per operator. Spread out over a five-year period that would equal approximately \$198 per operator per year. This appears to be insignificant compared to overall operating costs and the cost of one crane accident which could result in significant employee injury or even fatality in addition to any collateral damage to property, structures and equipment totaling in the hundreds of thousands of dollars.

While staff has not identified any entities offering testing/certification services for tower cranes, staff learned that the NCCCO is developing a program that will be available to employers by the time the proposal becomes effective in 2005. Staff anticipates that if the proposal is adopted by the Board and becomes effective, other testing and certification entities will emerge and provide testing/certification for tower crane operators. The cost of tower crane operator testing and certification is expected to be about the same as for mobile crane operators (see approximate

figures discussed above). See also the Board staff's addendum to the Form 399 which accompanies this rulemaking file.

According to the proposed effective date, employers will have until June 1, 2005 to come into compliance with the requirements. This will provide time for the California marketplace to respond to the new regulations and allow for the emergence of additional outside parties (contractors such as the NCCCO) able to provide the required training and issue certificates of competency to employees (operators) who have fulfilled the requirements of new Section 5006.1(a). The 2005 effective date will also provide sufficient time for testing protocols to be developed for tower crane operators and to allow entities who wish to become certifying entities to apply for NCCA accreditation.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

These proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, the regula-

tions require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed regulations do not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

These proposed regulations do not impose unique requirements on local governments. All employers—state, local and private—will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses.

ASSESSMENT

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The above proposals do not contain building standards as defined by Health and Safety Code Section 18909.

A copy of the proposed changes in STRIKEOUT/ UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than December 6, 2002. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on December 12, 2002 will not be considered by the Board unless the Board

announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@hq.dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposal substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to John D. MacLeod, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

TITLE 13. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE CALIFORNIA REFORMULATED GASOLINE REGULATIONS INCLUDING REFINEMENTS TO THE PROHIBITIONS OF MTBE AND OTHER OXYGENATES

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider amendments to the California Reformulated Gasoline (CaRFG) Regulations. The proposed amendments would (1) revise the prohibitions of gasoline produced with the use of MTBE or other prohibited oxygenates; (2) revise the schedule for implementation of allowable residual MTBE levels in California gasoline; (3) establish allowable residual levels for total weight percent oxygen supplied by oxygenates other than MTBE and ethanol; (4) add provisions for documentation of the presence or absence of ethanol in CaRFG delivered to retail outlets, and make other changes.

Date December 12, 2002
 Time 9:00 a.m.
 Place California Environmental Protection Agency
 Air Resources Board
 Central Valley Auditorium
 1001 I Street
 Sacramento, CA 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m. on Thursday, December 12, 2002, and may continue at 8:30 a.m. on Friday, December 13, 2002. This item may not be considered until Friday, December 13, 2002. Please consult the agenda for the meeting, which will be available at least 10 days before December 12, 2002, and posted on the ARB's website, to determine the day on which this item will be considered.

This facility is accessible to persons with disabilities. If accommodation is needed, please contact ARB's Clerk of the Board at (916) 322-5594, or Telecommunications Device for the Deaf (TDD) (916) 324-9531, or (800) 700-8326 for TDD calls from outside the Sacramento area, by November 27, 2002, to ensure accommodation.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendments to sections 2261(b)(3), 2262.6, and 2273, and adoption of 2260(a)(26.5) and 2273.5 of Title 13, California Code of Regulations (CCR).

Background

The ARB administers the Phase 2 CaRFG (CaRFG2) regulations, which have applied to all California gasoline since March 1996. The regulations establish standards for the following eight gasoline properties: sulfur, benzene, olefin, aromatic hydrocarbon, and oxygen contents, the 50 percent distillation temperature, (T50), the 90 percent distillation temperature, (T90), and summertime Reid vapor pressure (RVP).

The CaRFG regulations allow refiners to use a "Predictive Model" to specify alternative formulations. The Predictive Model is a set of mathematical equations that relate emissions rates of exhaust hydrocarbons, oxides of nitrogen (NOx), and potency weighted toxics for four toxic air contaminants (benzene, 1,3-butadiene, formaldehyde, and acetaldehyde) to the values of the eight regulated gasoline properties. An alternative gasoline formulation is acceptable if emissions of hydrocarbons, NOx, and potency-weighted toxics resulting from this formulation are no greater than emissions from gasoline having the specifications set forth in the CaRFG2

standards. Currently, most of the gasoline sold in California complies with the CaRFG2 regulations through the use of the Predictive Model.

Since 1995, most of the state's gasoline has contained about 11 percent MTBE, which, along with ethanol, is an oxygenate that is used to introduce oxygen into gasoline and to improve octane. The widespread use of MTBE has primarily resulted from two programs mandated by the federal Clean Air Act (CAA)—the federal reformulated gasoline (RFG) program administered directly by the U.S. Environmental Protection Agency (U.S. EPA), and the wintertime oxygenates program which is ultimately administered by ARB. In areas not subject to the federal RFG or the CO wintertime oxygen requirements, the Predictive Model may be used to reduce or eliminate oxygen in California gasoline.

One of the requirements for federal RFG is that it contain at least 2.0 weight % oxygen year-round in on-road vehicles in severe and extreme non-attainment areas for ozone. By the end of 2002, the federal RFG requirements apply in San Diego County, the greater Los Angeles area (Los Angeles, Orange and Ventura Counties, and parts of Riverside and San Bernardino Counties), the greater Sacramento area (Sacramento County and parts of Yolo, Solano, Sutter, Placer, and El Dorado Counties), and the San Joaquin Valley Air Basin. Together, these areas account for about 80 percent of the gasoline sold in California. California has asked U.S. EPA to exercise its authority to waive the minimum oxygen requirement, but in June 2001 the agency denied the state's request. A lawsuit challenging the denial is currently pending in the U.S. Court of Appeals for the Ninth Circuit.

California's wintertime oxygenates requirements have resulted from requirements in the federal CAA that states mandate the use of oxygenated gasoline during the winter in most areas that are in nonattainment of the National Ambient Air Quality Standard (NAAQS) for carbon monoxide (CO). The use of oxygen in gasoline reduces emissions of CO from the existing vehicle fleet, and ambient CO concentrations are the highest in the winter. As ambient CO concentrations have declined in California as a result of its mobile source emissions reduction programs, the ARB has been able to eliminate the winter oxygen requirement in areas where it is no longer necessary for attainment and maintenance of the NAAQS for CO. At present, the ARB requires a wintertime minimum oxygen content of 1.8 wt.% only in Los Angeles, Orange, Riverside, San Bernardino, Ventura, and Imperial counties.

Several years ago, concerns began to increase about adverse environmental impacts from the use of MTBE in the state's gasoline. The main concern with the continued use of MTBE is the potential for contami-

nation of California's groundwater, surface water, and drinking water systems. MTBE is very soluble in water and will transfer to groundwater faster, and will travel farther and more easily than other gasoline constituents when gasoline leaks from underground storage tanks or pipelines.

The California MTBE Public Health and Environmental Protection Act of 1997 directed the University of California (U.C.) to conduct research on the effects of MTBE. The legislation also required the Governor to take appropriate action based on the U.C. findings and information from public hearings conducted on the U.C. report. On March 25, 1999, Governor Davis signed Executive Order D-5-99, in which he found that, on balance, there is a significant risk to the environment from using MTBE in gasoline in California. The Executive Order directed the California Energy Commission (CEC) to issue a timetable for the removal of MTBE from gasoline at the earliest possible date, but not later than December 31, 2002. It also directed the ARB to adopt CaRFG3 regulations that will provide additional flexibility in lowering or removing the oxygen content requirement while maintaining current emissions and air quality benefits and ensuring compliance with the State Implementation Plan (SIP).

At a December 9, 1999, hearing, the Board approved the CaRFG3 regulations consistent with the Governor's directive and the subsequent CEC recommendation that December 31, 2002 was the earliest feasible date for a ban on MTBE. The CaRFG3 regulations prohibited California gasoline produced with MTBE and other specified oxygenates starting December 31, 2002, established CaRFG3 standards applicable the same date, established a CaRFG3 Predictive Model, and made various other changes.

To address the question of trace amounts of MTBE that may be present as contamination, the CaRFG3 regulations establish a three-stage schedule for reducing residual levels of MTBE in CaRFG3 in the distribution system. The regulations require that the concentration of MTBE in distributed CaRFG3 not exceed 0.3 percent by volume beginning December 31, 2002. This level must be reduced to 0.15 percent by volume starting December 31, 2003 and 0.05 percent by volume starting December 31, 2004.

On March 14, 2002, Governor Davis issued Executive Order D-52-02, which directed the ARB to take the necessary actions, by July 31, 2002, to postpone for one year the prohibitions of the use of MTBE and other specified oxygenates in California gasoline, and the related requirements for California Phase 3 reformulated gasoline. The Governor found

that it is not possible to eliminate use of MTBE on January 1, 2003 without significantly risking disruption of the availability of gasoline in California.

In response to Governor Davis's 2002 Executive Order, the Board, at a July 25, 2002 hearing, approved amendments to the CaRFG3 regulations that would postpone by one year the dates approved in December 1999 and adopted June 15, 2000. The MTBE prohibitions approved by the Board on July 25, 2002 are not yet in effect because the rulemaking process has not been completed.

The CaRFG3 regulation amendments approved by the Board in July will ban gasoline produced with the use of MTBE for all California gasoline supplied from production and import facilities starting December 31, 2003. This prohibition is phased in for most deliveries of gasoline to retail outlets occurring after February 13, 2004, and to gasoline throughout the distribution system starting March 31, 2004.

Other amendments necessary to implement the postponement of the MTBE ban were also approved at the July 2002 hearing, including the one-year postponement of the deadlines for reducing residual levels of MTBE in CaRFG3 after the addition of MTBE is banned. The amended regulations will require that the concentration of MTBE in distributed CaRFG3 not exceed 0.3 percent, by volume, beginning December 31, 2003. This level is reduced to 0.15 percent by volume starting December 31, 2004 and 0.05 percent by volume starting December 31, 2005.

The CaRFG3 regulations also impose a conditional ban on the use of any oxygenate other than ethanol as a replacement for MTBE in California gasoline. Under the amendments approved by the Board in July 2002, the ban will be phased in starting December 31, 2003 on the same schedule as the ban on gasoline produced with the use of MTBE. Such oxygenates may not be used to produce California gasoline unless a multimedia evaluation of the use of the oxygenate in California gasoline has been conducted, and the California Environmental Policy Council (CEPC) has determined that its use will not have a significant adverse impact on the public health or the environment. The current CaRFG3 regulations do not set a prohibition level for these oxygenates.

The Proposed Amendments

The intent of the CaRFG3 oxygenate prohibitions is to prohibit the intentional blending of MTBE or other prohibited oxygenates into California gasoline and to control the amount of these prohibited oxygenates present in California gasoline because of contamination or because they are unavoidable byproducts of the production process. When the Board in 1999 approved the implementation schedule for the limits on residual levels of MTBE, it directed the Executive Officer to

evaluate the practicality of the specified MTBE residual limits and report back to the Board with a recommendation on whether the limits should be revised. This evaluation is necessary because if MTBE continues to be used outside California in significant quantities, MTBE could find its way into California as a contaminant in imported fuel. Also, MTBE can be formed as a contaminant in various refining and production facilities.

Data collected by ARB staff suggest that it may require more time than is currently allowed in the regulation to reduce residual MTBE levels to the specified levels—even in an MTBE-free gasoline distribution system. Staff also considered the impact of gasoline produced in California for export to Arizona and Nevada. Eighty percent of Nevada's gasoline and 60 percent of Arizona's is produced in California. Nevada has not banned MTBE and Arizona's MTBE ban does not become effective until 180 days after California's. Therefore, MTBE-containing gasoline may still be produced in California and transported through the California distribution system after California's MTBE ban is implemented.

The staff is proposing an initial residual MTBE level of 0.60 volume percent MTBE, which is the MTBE de minimis level adopted by the ARB in September 1999 for labeling retail pumps dispensing gasoline that is not intentionally blended with MTBE. This level is also the same as the EPA's MTBE de minimis level for identifying RFG not blended with MTBE. This concentration of 0.6 volume percent is sufficiently low to prevent gasoline intentionally blended with MTBE from being labeled as non-MTBE, but it is high enough to allow gasoline blended without MTBE to be shipped within the current gasoline distribution system during the first six months of the phase-out.

The staff is also proposing delays in the implementation dates for the other phased residual limits to allow sufficient time for the residual levels of MTBE to decline without interfering with the supply and availability of gasoline in California. The additional time would also allow staff time to collect more data on residual MTBE levels in California gasoline. Staff can then determine whether the proposed levels and timetable are practical and propose changes if necessary.

Staff is also proposing allowable residual levels for oxygenates other than MTBE or ethanol to improve the enforceability of the regulation and allow the differentiation between commonly occurring trace contaminants and deliberately added oxygenates.

The staff is proposing amendments to the CaRFG3 regulations that would improve the enforceability of the regulations and also respond to the Board's

directive to evaluate the practicality of the current limits on residual levels of MTBE and other prohibited oxygenates in California gasoline.

Revising the prohibitions of gasoline “produced with the use of” MTBE or other oxygenates other than ethanol. The proposed amendments would refine the prohibitions to remove the ambiguities that make the prohibitions difficult to administer, and that could under some circumstances exclude imported blendstocks that contain MTBE and other prohibited oxygenates that are incidentally acquired through the production process or during transport.

Under the staff proposal, a California refiner would be prohibited at the refinery from adding MTBE in neat form either to gasoline or blendstocks used to produce gasoline at the refinery. The refiner would also be prohibited from using any gasoline blendstock that contains more than 0.6 volume percent MTBE when it is supplied to the refinery. Imported California gasoline would only be subject to the allowable residual MTBE levels of the CaRFG3 regulations. Application of the allowable residual levels on MTBE in imported gasoline should be sufficient to prohibit unacceptable MTBE levels while avoiding undue constraints in gasoline imports during potential supply shortages.

The proposed amendments to the prohibitions on gasoline “produced with the use of” any oxygenate other than ethanol or MTBE parallel those proposed for MTBE. They would prohibit the addition of any oxygenate, other than ethanol or MTBE, in neat form to the California gasoline or to a blending component used to produce gasoline at the refinery. They would also prohibit the use of a blending component that contained greater than 0.1 weight percent total oxygen from oxygenates other than ethanol or MTBE when it was supplied to the California production facility. Imported California gasoline would only be subject to the total oxygen weight percent limits proposed in this rulemaking, because of the difficulties in monitoring the was imported gasoline has been produced at some out-of-state location.

Revisions to the schedule for implementation of allowable residual levels of MTBE. The proposed amendments would require that MTBE residual levels be reduced in four steps instead of the three steps currently required by the regulations. During the first six months after the MTBE phase-out—starting December 31, 2003—California gasoline could not contain more than 0.60 volume percent MTBE. Starting July 1, 2004, gasoline would be prohibited from containing more than 0.30 volume percent MTBE and eighteen months later, starting December 31, 2005, gasoline would be prohibited from containing more than 0.15 volume percent. The

residual MTBE limit would be further reduced to 0.05 volume percent starting July 1, 2007. Staff will continue to evaluate the practicality of the later limits.

Establishment of allowable residual levels for oxygenates other than MTBE and ethanol. The amendments would add a schedule for specifications for total oxygen content in gasoline from oxygenates other than MTBE and ethanol. During the first six months after the MTBE phase-out, starting December 31, 2003, the combined oxygen concentration due to these prohibited oxygenates could not exceed 0.10 percent by weight. This limit of 0.10 weight percent is the oxygen level equivalent to the proposed residual limit of 0.60 volume percent for MTBE during that period. The final prohibition level of 0.06 weight percent would apply starting July 1, 2004. These proposed amendments will significantly improve the enforceability of the restrictions on oxygenates both in gasoline produced in the state and imported gasoline. The prohibitions would apply unless a multimedia evaluation of the use of the oxygenate in California gasoline has been conducted, and the CEPC has determined that such use will not cause a significant adverse impact on public health or the environment.

Documentation of the presence or absence of ethanol in CaRFG delivered to retail outlets. The proposed amendments would require any person delivering gasoline to a retail outlet to provide to the outlet operator or responsible employee, at the time of delivery of the fuel, an invoice, bill of lading, shipping paper, or other documentation which states whether the gasoline does or does not contain ethanol, and which may identify the volumetric amount of ethanol.

Other amendments. Staff is proposing additional amendments to ensure that the regulations work effectively. One amendment would sunset the requirement for documentation of the presence of MTBE in the gasoline delivered to retail outlets after December 30, 2003. Another amendment would replace the recently added provision regarding oxygenates in early opt-in CaRFG3 with a requirement that early opt-in CaRFG3 meet limits of 0.60 volume percent for MTBE and 0.10 weight percent oxygen collectively from the specified oxygenates other than MTBE or ethanol when it is supplied from the production or import facility. This will provide specific standards that can be monitored by refiners and importers and be readily enforced by ARB inspectors.

COMPARABLE FEDERAL REGULATIONS

As noted above, the U.S. EPA administers the federal RFG regulations, which by the end of 2002 will apply to about 80 percent of California's gasoline and are contained in 40 CFR §§ 80.40 and following. The federal RFG regulations do not prohibit the use of MTBE.

The U.S. EPA has published de minimis levels for oxygenates that are not intended by the producer to be blended into the reformulated gasoline, but are present as a result of operational necessity. The de minimis levels are specified in the U.S. EPA document, "RFG Questions and Answers, May 9, 1995," which provides guidance on compliance with the Agency's RFG regulations. For purposes of meeting the applicable oxygen requirements for a final gasoline blend, U.S. EPA will not consider the introduction of an oxygenate intentional if the amount of the oxygenate is not more than 0.4 volume percent for ethanol, or 0.6 volume percent for MTBE, ETBE, TAME or t-butanol, or 0.2 volume percent for methanol.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

The ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the environmental and economic impacts of the proposal and supporting technical documentation. The report is entitled "Proposed Amendments to the California Reformulated Gasoline Regulations to Amend the Prohibitions for MTBE and Other Oxygenates."

Copies of the Staff Report and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on the ARB's web site listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Environmental Services Center, First Floor, Sacramento, CA 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing (December 12, 2002).

Upon its completion, the Final Statement of Reasons (FSOR) will also be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the ARB's web site listed below.

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons, Mr. Steven Brisby, Manager, Fuels Section, (916) 322-6019, or Mr. Dean C. Simeroth, Chief, Criteria Pollutants Branch, Stationary Source Division, at (916) 322-6020.

Further, the agency representative and designated back-up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, or Amy Whiting, Regulations Coordinator, (916) 322-6533. The Board staff has compiled a record for this rulemaking action, which

includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

If you are a person with a disability and desire to obtain this document in an alternative format, please contact the Air Resources Board ADA Coordinator at (916) 323-4916, or TDD (916) 324-9531, or (800) 700-8326 for TDD calls outside the Sacramento area.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, will be available on the ARB Internet site for this rulemaking at <http://www.arb.ca.gov/regact/mtberesid/mtberesid.htm>.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies, private persons and businesses in reasonable compliance with the proposed regulations are presented below.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on representative private persons or businesses. The Executive Officer has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts of private persons and businesses. As discussed below, the Executive Officer has determined that the proposed regulatory action will not have a significant cost impact on directly affected persons or businesses. A detailed assessment of the economic impacts of the proposed amendments can be found in the Staff Report.

The proposed amendments are generally designed to ensure effective enforcement of the oxygenate provisions of the CaRFG3 regulations while reducing undue constraints on the gasoline distribution system during implementation of the MTBE phase-out. They do not fundamentally alter the regulations and should not result in cost increases.

The proposed changes to the oxygenate prohibition provisions will provide clearly enforceable criteria for determining the acceptability of blendstocks and California gasoline. The proposed changes may provide an economic benefit as they would remove ambiguities that could have unnecessarily limited a refiner's access to imported blendstocks that contain

small quantities of prohibited oxygenates that have been incidentally acquired through the production process or during transport and storage.

The proposed revisions to the schedule for implementation of allowable residual MTBE levels in California gasoline will not have a significant negative economic impact. The proposed changes could provide an economic benefit by allowing more time to flush the distribution and marketing system and reduce the levels of residual MTBE without the need for extraordinary efforts. The proposed amendments will also provide additional time to determine whether the allowable residual limits for MTBE are practical. Delaying the implementation of limits that may be impractical could benefit California consumers by preventing interruptions in the supply and availability of gasoline.

The proposed amendments establishing allowable residual levels for oxygenates other than ethanol and MTBE, will improve the enforceability of the regulation and allow the Board to delete the current requirements regarding imported gasoline produced with the use of prohibited oxygenates. Also, the removal of uncertainty regarding the status of a blendstock or gasoline could increase the efficiency of the refining process.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. An assessment of the economic impacts of the proposed regulatory action can be found in the Staff Report (ISOR).

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will affect small businesses. The proposed amendments to the CaRFG3 regulations are designed to assure the practical and effective implementation of the CaRFG3 prohibitions on the use of MTBE and other oxygenates other than ethanol in California gasoline. No negative economic impacts on small businesses are expected.

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the ARB's Executive Officer has found that the reporting requirements of the CaRFG regulations which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

With regard to costs or savings necessarily incurred in reasonable compliance with the proposed amendments to the CaRFG regulations, the Executive Officer has determined that the proposed regulatory action will not create costs or savings, as defined in

Government Code section 11346.5(a)(6), to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, or other nondiscretionary savings to local agencies.

Before taking final action on the proposed regulatory action, the Board must determine that no alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received **no later than 12:00 noon, December 11, 2002**, and addressed to the following:

Postal mail is to be sent to:

Clerk of the Board

Air Resources Board

1001 I Street, 23rd Floor

Sacramento, California 95814

Electronic mail is to be sent to: mtberesid@listserv.arb.ca.gov and received at the ARB **no later than 12:00 noon, December 11, 2002**.

Facsimile transmissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB **no later than 12:00 noon, December 11, 2002**.

The Board requests but does not require that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The ARB encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in sections 39600, 39601, 43013, 43013.1, 43018, and 43101, Health and Safety Code, and *Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). This regulatory action is proposed to implement, interpret, and make specific sections 39000, 39001, 39002, 39003, 39010, 39500, 39515, 39516, 41511, 43000, 43013, 43013.1, 43016,

43018, 43101, and 43830.8, Health and Safety Code, and *Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed or with nonsubstantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications, including but not limited to changes to the restrictions during the RVP season on blending gasoline containing ethanol with California gasoline not containing ethanol at retail outlets, if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text with the modifications clearly indicated, will be made available to the public for written comment at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Environmental Services Center, 1st Floor, Public Information Office, Sacramento, CA 95814, (916) 322-2990.

TITLE 13. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF PROPOSED AIRBORNE TOXIC CONTROL MEASURE TO LIMIT SCHOOL BUS IDLING AND IDLING AT SCHOOLS

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider adopting a regulation to reduce public exposure to diesel exhaust particulate matter (diesel PM) and other toxic air contaminants (TACs) by limiting unnecessary idling of specified vehicular sources. The regulation focuses on reducing school age children's exposure at and around schools and while riding school buses and other types of school transportation.

DATE: December 12, 2002

TIME: 9:00 a.m.

PLACE: California Environmental Protection Agency
Air Resources Board
Central Valley Auditorium
1001 I Street
Sacramento, California 95814

This item will be considered at a two-day meeting of the ARB, which will commence at 9:00 a.m., on Thursday, December 12, 2002, and may continue at 8:30 a.m., Friday, December 13, 2002. This item may not be considered until Friday, December 13, 2002. Please consult the agenda for the meeting, which will be available at least ten days before December 12, 2002, to determine the day on which this item will be considered.

This facility is accessible to persons with disabilities. If accommodation is needed, please contact ARB's Clerk of the Board by November 27, 2002, at (916) 322-5594, or Telecommunications Device for the Deaf (TDD) at (916) 324-9531, or (800) 700-8326 for TDD calls from outside the Sacramento area.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed adoption of Chapter 10—Mobile Source Operational Controls, Article 1—Motor Vehicles, section 2480, title 13, California Code of Regulations (CCR).

Background

The California Toxic Air Contaminant Identification and Control Program (Program), established under California law by Assembly Bill 1807 (Stats. 1983, Ch. 1047) and set forth in Health and Safety Code (HSC) sections 39650–39675 (as amended), requires the ARB to identify and control TACs in California. Following the identification of a substance as a TAC, Health and Safety Code section 39665 requires the ARB, with participation of the air pollution control and air quality management districts (districts), and in consultation with affected sources and interested parties, to prepare a report on the need and appropriate degree of regulation for that substance. Health and Safety Code section 39665(b) requires that this “needs assessment” address, among other things, the technological feasibility of proposed airborne toxic control measures (ATCMs) and the availability, suitability, and relative efficacy of substitute products or processes of a less hazardous nature.

Once the ARB has evaluated the need for and appropriate degree of regulation of a TAC, Health and Safety Code section 39667 requires the ARB to adopt regulations to achieve the maximum possible reduction in public exposure to TACs. The regulation of used motor vehicles is to apply to the best available control technology (BACT) or a more effective control method, in consideration of cost, risk, environmental impacts, and other specified factors.

The Board identified diesel PM as a TAC in August 1998. A needs assessment for diesel PM was published in October 2000 as the “Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles.” In the Risk

Reduction Plan, the ARB indicated that idling measures could be used to “limit the amount of time heavy-duty vehicle engines are allowed to operate while not performing useful work, e.g., moving the vehicle or operating essential equipment.”

In October 2001, the Office of Environmental Health Hazard Assessment (OEHHA) published the “Prioritization of Toxic Air Contaminants Under the Children’s Environmental Health Protection Act.” The Children’s Environmental Health Protection Act (Stats. 1999, Ch. 731) requires the California Environmental Protection Agency to specifically consider children in setting Ambient Air Quality Standards and in developing criteria for TACs. OEHHA identified diesel PM and several other TACs associated with motor vehicle exhaust among the top priority pollutants affecting children’s health. The OEHHA’s health effects assessment for TACs are provided to ARB for use in risk management activities.

ARB staff notified nearly 17,000 potentially affected individuals and organizations about the Proposed ATCM to Limit School Bus Idling and Idling at Schools and worked with many of these individuals and organizations during its development. In the spring and summer of 2002, staff conducted surveys of 50 state air quality regulators, more than 800 California school district transportation officials, and 13 of the largest school bus contractors in the State. The purpose of these surveys was to determine the status of anti-idling measures in California and other states. Staff also consulted with the California Department of Education (CDE), California Highway Patrol (CHP), and northern and southern California school districts; developed and frequently updated a web page with list serve (<http://www.arb.ca.gov/toxics/sbidling/sbidling.htm>) describing the Proposed ATCM, its status, and contact information; arranged and held personal meetings and conference calls with affected parties; submitted articles to organization newsletters; observed school bus loading at a combination middle school and high school; made presentations and discussed the Proposed ATCM at meetings of seven affected organizations, and held one Public Consultation Meeting and two Public Workshops. As a result of public input and its own investigation, ARB staff has prepared an Initial Statement of Reasons (ISOR) for the Proposed ATCM that, together with the needs assessment, serves as the report on the need and appropriate degree of regulation for school bus idling and idling at schools.

Description of the Proposed Regulatory Action

The Proposed ATCM to Limit School Bus Idling and Idling at Schools is designed to reduce children’s and the general public’s exposure to diesel PM and other TACs and air pollutants from heavy-duty:

1) buses and vehicles whose purpose is the transport of children at or below 12th-grade level to and from school and other activities; and 2) transit buses and vehicles other than buses that operate at or near schools. For the purpose of the Proposed ATCM, a heavy-duty bus or vehicle is one that has a gross vehicle weight rating greater than 6,000 pounds, excluding a passenger vehicle designed to carry 10 or fewer persons including the driver.

The requirements of the Proposed ATCM would affect both the public and private transportation industry. The public agencies that could be affected are: school districts, transit agencies, and public agencies with heavy-duty vehicles. The private businesses that could be affected are private schools, school or other bus contractors, and heavy-duty vehicle fleets. These agencies and businesses would be affected to the extent they own, operate, or direct the operation of the following: school buses, school pupil activity buses, youth buses, general public paratransit vehicles transporting children, transit buses operating at or near schools, and other heavy-duty vehicles (e.g., delivery, construction, or maintenance vehicles) operating at or near schools.

The Proposed ATCM would require a driver of a school bus or other bus or heavy-duty vehicle to manually turn off the bus or vehicle engine upon arriving at a school and restart it no more than 30 seconds before departing. A driver of a bus or vehicle whose primary purpose is the transport of children (i.e., a school bus, school pupil activity bus, youth bus, or general public paratransit vehicle) would be subject to the same requirement when operating within 100 feet of a school and would be prohibited from idling more than five minutes at locations beyond schools. A driver of a transit bus or other heavy-duty vehicle, whose primary purpose is not the transport of children, would be prohibited from idling beyond five minutes within 100 feet of a school. Again, a transit bus or other heavy-duty vehicle would also be prohibited from idling on school grounds except within 30 seconds before departure.

In addition, the Proposed ATCM would require a motor carrier of an affected bus or vehicle to: ensure that drivers are informed of the idling requirements, track complaints and enforcement actions regarding the requirements, and keep records of these driver education and tracking activities.

The Proposed ATCM would exempt specific idling situations where health, safety, or operational concerns take precedence. For example, exemptions are provided for idling: in the midst of traffic; to ascertain safe operating conditions of a bus or vehicle; for test, service, repair, or diagnostic purposes; to accomplish work, other than transportation, for which a vehicle was designed (e.g., controlling cargo temperature or

operating a lift, drill, etc.); to operate equipment needed by persons with disabilities and heaters or air conditioners for special needs children; to operate defrosters or other equipment to prevent a safety or health emergency; and to recharge a hybrid electric bus or vehicle. In addition, the Proposed ATCM contains a provision that describes its relationship to other laws. To avoid potential conflict with those laws, the Proposed ATCM clearly states that it does not allow idling in excess of other applicable limits, or in excess of more stringent limits.

There are no federal regulations comparable to the Proposed ATCM; however, the United States Environmental Protection Agency (U.S. EPA) generally recommends that motor vehicles be turned off when not in motion.

The Proposed ATCM's elimination of unnecessary idling of buses and other heavy-duty vehicles would reduce diesel PM and other TAC emissions and, as a result, would reduce children's and the public's exposure to these harmful substances. ARB staff estimated the potential cancer risk associated with diesel PM exposure based upon modeled idling school bus emissions that could occur at a school near a designated loading/unloading zone. Overall, estimated risk values were less than 10 potential cancer cases per million for most situations modeled and potential cancer risks were found to increase as the number of buses and idling time increased. The Proposed ATCM is a simple pollution prevention measure that can be easily implemented to significantly reduce children's, parents', teachers', and near-by residents' exposure to idling diesel PM and associated potential cancer risk and other adverse health effects.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

The Board staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the potential environmental and economic impacts of the proposal. The ISOR is entitled, "Staff Report: Initial Statement of Reasons for the Proposed Airborne Toxic Control Measure to Limit School Bus Idling and Idling at Schools."

Copies of the ISOR and the full text of the proposed regulatory language may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990, at least 45 days prior to the scheduled hearing (December 12, 2002).

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the web site listed below.

Inquiries concerning the substance of the proposed regulations may be directed to the designated agency contact persons, Beverly Werner, Manager of the Regulatory Assistance Section, Project Assessment Branch, Stationary Source Division at (916) 322-3984, and Barbara Cook, Air Pollution Specialist, Stationary Source Division at (916) 324-1840.

Further, the agency representative and designated back-up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, or Amy Whiting, Regulations Coordinator, (916) 322-6533. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

If you are a person with a disability and desire to obtain this document in an alternative format, please contact the Air Resources Board ADA Coordinator at (916) 323-4916, or TDD (916) 324-9531, or (800) 700-8326 for TDD calls from outside the Sacramento area.

This notice, the ISOR and proposed regulatory text described therein, and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at <http://www.arb.ca.gov/regact/sbidling/sbidling.htm>.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred in reasonable compliance with the proposed regulatory action are presented below.

Pursuant to Government Code section 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action will create costs to state agencies, local agencies, and school districts. Potentially affected state agencies include the ARB, Department of Motor Vehicles (DMV), CHP, and CDE. Public school districts, and local public transit and city or county agencies are also potentially affected.

Initial costs to State agencies primarily involve developing educational materials for affected parties and revising training and testing materials for school transportation bus and vehicle drivers. ARB is expected to incur initial costs to design, reproduce, and distribute educational materials to affected drivers, motor carriers, and others. The DMV is expected to incur minimal costs to revise and reproduce school bus driver certification tests. The CHP is expected to incur minimal costs to develop one or more certification test questions and could incur labor costs associated with

amending affected title 13 regulations. The CHP is not expected to incur significant enforcement costs as the ARB is the primary entity responsible for enforcement activities. The CDE is expected to incur minimal costs to revise the school bus driver training manual and other training materials.

Initial and annual costs for public school districts and local public transit and other agencies primarily involve driver training and clerical work associated with training and maintaining records. Public school districts and local public agencies are not expected to incur significant training and recordkeeping costs because the Proposed ATCM's training and recordkeeping requirements would be integrated into existing procedures. Public school districts that provide school pupil transportation service are already required to employ bus and vehicle drivers that are CDE-trained and CHP-certified. They are also already required to keep records on those drivers (13 CCR§ 1234 and 1236). Educational materials provided by the ARB are expected to assist transit agencies with driver training requirements and existing personnel files are expected to be used to fulfill recordkeeping requirements. Local public enforcement agencies (e.g., local peace officers) are not expected to incur significant enforcement costs as the ARB is the primary entity responsible for enforcement activities.

Staff anticipate that State agencies, public school districts, and local public transit and other agencies would be able to absorb these costs (estimated to amount to a maximum of \$2 of labor per bus driver per year) within their existing budgets and would not need additional staff. The Executive Officer has also determined that the proposed regulatory action will not create costs or savings in federal funding to the State.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action may create costs to, and a mandate upon local agencies (i.e., regional transit agencies, cities, or counties) or school districts that operate buses or heavy-duty vehicles on or within 100 feet of school grounds, but will not create costs in federal funding to the state. Potential costs are associated with informational and recordkeeping needs per affected driver. The Executive Officer has determined that while these minimal costs are non-discretionary, they are not required to be reimbursed by the State pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code.

In developing this regulatory proposal, the ARB staff also evaluated the potential economic impacts on representative private persons or businesses. The Executive Officer has initially assessed that the proposed regulatory action will affect the student

transportation industry (including school bus contractors and private schools that provide transportation) and businesses that operate heavy-duty vehicles within 100 feet of schools. The potential cost impact results from mandated recordkeeping of driver training, citations, and complaints, and will vary depending on the number of drivers employed. Similar to costs incurred by the public sector transportation industry, the costs for the private sector transportation industry are estimated to amount to a maximum of \$2 of labor per bus driver per year for recordkeeping and annual training.

The ARB staff also evaluated the potential cost savings to private and public entities due to reduced fuel cost from elimination of excessive idling. For gasoline- and diesel-fueled school buses, staff assumed 2 to 20 minutes of idling per day would be avoided to estimate potential fuel cost savings from \$2.70 to \$27.00 per bus per year or \$68,000 to \$680,000 per year for the Statewide school bus fleet. The number of other heavy-duty vehicles (other than buses) operating at schools is not known; however, staff assumed such vehicles (e.g., food and supply delivery trucks, garbage trucks, construction/maintenance vehicles) make 10 to 15 trips per school per week and idle 2 to 4 minutes per trip to estimate potential fuel cost savings from 1 to 3 cents per trip or from \$70,000 to \$210,000 per year Statewide. Private and public sector entities may benefit from some lower, but unquantifiable, maintenance costs due to less wear on vehicle engines from decreased idling. The ARB staff estimate most affected engines may experience 3 to 5 additional warm starts per day due to the proposed regulatory action; however, maintenance costs generated by these additional warm starts are determined to be negligible.

In accordance with Government Code sections 11346.3 and 11346.5(a)(10), the Executive Officer has determined that the proposed regulatory action will have no significant impacts on the creation or elimination of jobs within the State of California, no significant impacts on the creation of new businesses or the elimination of existing businesses within the State of California, and no significant impacts on the expansion of businesses currently doing business within the State of California.

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will affect small businesses.

Finally, pursuant to Government Code sections 11346.3(a)(2) and 11346.5(a)(8), the Executive Officer has made an initial determination that adoption of the proposed regulatory action will not have a significant, statewide adverse economic impact di-

rectly affecting business, including the ability of California businesses to compete with businesses in other states.

A detailed assessment of the economic impacts of the proposed regulation can be found in the ISOR.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received **no later than 12:00 noon, December 11, 2002**, and addressed to the following:

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 "I" Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to: sbatcm@listserv.arb.ca.gov and received at the ARB **no later than 12:00 noon, December 11, 2002**.

Facsimile submissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB **no later than 12:00 noon, December 11, 2002**.

The Board requests but does not require 30 copies of any written submission. Also the ARB requests that written, facsimile, and e-mail statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The ARB encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY

This regulatory action is proposed under the authority granted to the ARB in Health and Safety Code sections 39600, 39601, 39658, 39667, 39674; and by *Western Oil & Gas Assn. v. Orange County Air Pollution Control Dist.* (1975) [14 Cal.3d.411]. This action is proposed to implement, interpret, or make specific, Health and Safety Code sections 39002, 39003, 39027, 39500, 39600, 39650, 39655, 39656, 39657, 39658, 39659, 39662, 39665, 39674, 39675,

and 42403.5; Vehicle Code sections 305, 336, 350, 440, 445, 545, 546, 642, 680, 21400, 22452, 22515 and 27153; and Education Code 56026.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the ARB may adopt the regulatory language as originally proposed or with non-substantial or grammatical modifications. The ARB may also adopt the proposed regulatory language with other modifications if the modifications are sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for written comment at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, 1001 I Street, Environmental Services Center, 1st Floor, Sacramento, California 95814, (916) 322-2990.

TITLE 17. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO ADMINISTRATIVE HEARING PROCEDURES—

“ADMINISTRATIVE PENALTY PROGRAM”

The Air Resources Board (the “Board” or “ARB”) will conduct a public hearing at the time and place noted below to consider amendments to regulations found in section 60065 et seq. (Administrative Hearing Procedures for the Review of Complaints) and section 60075 et seq. (Administrative Hearing Procedures for the Review of Citations) of title 17, California Code of Regulations (CCR). ARB staff is proposing modifications to these regulations to implement the relevant provisions of Senate Bill (SB) 527. SB 527 authorizes ARB to impose administrative penalties as an alternative to pursuing civil penalties through the courts (“Administrative Penalty Program”).

DATE: December 12, 2002

TIME: 9:00 a.m.

PLACE: California Environmental Protection Agency
Air Resources Board
Central Valley Auditorium
1001 I Street
Sacramento, California 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., December 12, 2002, and may continue at 8:30 a.m., December 13, 2002. This item may not be considered until December 13, 2002. Please consult the agenda for the meeting, which will be available at least ten days before December 12, 2002, to determine the day on which this item will be considered.

This facility is accessible to persons with disabilities. If accommodation is needed, please contact ARB's Clerk of the Board by November 27, 2002 at (916) 322-5594 or TDD (916) 324-9531 or (800) 700-8326 for TDD calls from outside the Sacramento area to ensure accommodation.

INFORMATIVE DIGEST OF PROPOSED ACTION

Sections Affected: Proposed Amendment to title 17, CCR sections 60065.1 through 60065.45, and 60075.1 through 60075.45.

Background:

Most enforcement actions brought by the Air Resources Board (ARB) are resolved through negotiated settlements. In a negotiated settlement, the source is brought into compliance as quickly as possible and pays a monetary settlement in lieu of civil penalties. In those cases where ARB is unable to reach an acceptable settlement with a violator, the matter must be pursued in the courts. This process, while necessary, is both costly and cumbersome. In 1990, the Legislature authorized the ARB to adopt an administrative hearing process to adjudicate violations of the Heavy-Duty Vehicle Inspection Program (HDVIP) and assessment of administrative civil penalties (Health and Safety Code section 44011.6). That authority was expanded in 1995, with the adoption of chapter 1.5 of part 5 of division 26 of the Health and Safety Code, which provided the ARB with authority to establish, among other things, administrative procedures to assess and adjudicate civil penalties for violations of ARB fuel-related regulations. (See Health and Safety Code sections 43028 and 43031.)

Prior to the enactment of SB 527, all other provisions of division 26 of the Health and Safety Code within the ARB's purview could only be enforced judicially. In SB 527, the Legislature enacted Health and Safety Code sections 42410 and 43023. These sections expand ARB's authority to impose administrative civil penalties as an alternative to judicial civil penalties. SB 527 limits the amount that the ARB may assess as an administrative penalty to \$10,000 per violation per day with a maximum assessment not to exceed \$100,000. In no event may administrative penalties for a violation exceed the judicial civil penalty that could be assessed under the Health and Safety Code for that violation.

The legislation also specifically directs the ARB to use its existing administrative hearing regulations to implement the penalty assessment program. To this end, staff is proposing modifications to title 17, CCR section 60065.1 et seq. (Administrative Hearing Procedures for the Review of Complaints) and CCR section 60075.1 et seq. (Administrative Hearing Procedures for the Review of Citations) to address the specific directives of the legislation. In initially adopting administrative hearing procedures, the ARB established a two-tiered enforcement hearing process. This process provides for complaints to be issued for the more serious and complex violations—subject to higher penalty assessments—and citations to be issued for less serious, less complex, and more clear cut violations.

Staff's Proposal

Staff's proposal would broaden the existing administrative penalty assessment and hearing procedures to allow for the issuance of administrative citations and complaints for all violations covered by SB 527. The existing administrative penalty provisions that provide for the issuance of citations and fuel-related complaints would remain unchanged. Because of the different maximum penalties that may be assessed for fuel violations and those violations covered under SB 527, the amendments would separately set forth the ARB's authority to assess penalties for violations covered by SB 527.

In response to other directives of SB 527, the staff has proposed the following modifications to title 17, CCR section 60065.1 et seq. and CCR section 60075.1 et seq.:

- Clarify that an administrative civil penalty would be issued as an alternative to a judicial civil penalty and not be cumulative;
- Make clear that ARB's administrative penalty authority only extends to those categories of violations for which it maintains authority to impose judicial civil penalties;
- Clarify that an administrative law judge appointed by the Department of General Services, State Office of Administrative Hearings (OAH) would conduct all hearings authorized by Health and Safety Code section 42410 and section 43023;
- Amend both hearing procedure regulations to add civil penalty limits in accordance with SB 527; and
- Amend the existing criteria used for assessing penalties for fuel violations to also apply to assessments for violations covered under Health and Safety Code section 43023 and adding a new provision establishing penalty assessment criteria for violations covered under Health and Safety Code section 42410;

Additionally, the staff is proposing to make other minor modifications to the hearing procedures for purposes of clarity and conformity with other state administrative hearing procedures.

Comparable Federal Regulations

Federal administrative hearing procedure regulations do exist, but they do not apply to matters heard under the proposed amendments to ARB's administrative hearing procedures.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSON

The Board staff has prepared a ISOR for the Proposed Regulatory Action, which includes a summary of the environmental impacts if any, of the proposal.

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikethrough format to allow for comparison with the existing regulations, may be accessed on the ARB's website listed below, or may be obtained from the Board's Public Information Office, 1001 I Street, Environmental Services Center, 1st Floor, Sacramento, California 95814, phone number (916) 322-2990, at least 45 days prior to the scheduled hearing (December 12, 2002).

Any substantive inquiries regarding this matter may be directed to the designated agency contact persons: Mr. Paul Jacobs, Chief, Mobile Source Enforcement Branch, (916) 322-7061 and Ms. Judy Lewis, Air Pollution Specialist at (916) 322-1879.

Further, the agency representative and designated back-up contact persons to whom procedural inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, or Alexa Malik, Regulations Coordinator, (916) 322-4011. The Board staff has compiled a record which includes all information upon which the proposal is based. This is available for inspection at the ARB during regular business hours upon request to the contact persons.

If you are a person with a disability and desire to obtain this document in an alternative format, please contact the Air Resources Board ADA Coordinator at (916) 323-4916, or TDD (916) 324-9531, or (800) 700-8326 for TDD calls from outside the Sacramento area.

This notice, the ISOR and all subsequent regulatory documents, including the Final Statement of Reasons for Rulemaking (FSOR) when completed, is or will be available on the ARB Internet site for this rulemaking at www.arb.ca.gov/regact/adminpen/adminpen.htm or www.arb.ca.gov/enf/admpenal/admpenal.htm.

**COSTS TO PUBLIC AGENCIES AND TO
BUSINESSES AND PERSONS AFFECTED**

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred in reasonable compliance with the proposed regulations are presented below.

The Executive Officer has determined that the proposed regulatory action will not create costs or savings, as defined in Government Code section 11346.5(a)(5) & (6), to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, or other non discretionary savings to state or local agencies.

The Executive Officer has also made an initial determination that adoption of the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

In developing this regulatory proposal, the ARB staff evaluated potential economic impacts on representative private persons or businesses. The Executive Officer is not aware, pursuant to Government Code section 11346.5(a)(9), of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed actions.

In accordance with Government Code section 11346.3 the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within California, or the expansion of businesses currently doing business within California. An assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will affect small businesses.

Before taking final action on the proposed regulatory action, the ARB must determine that no reasonable alternative considered by the ARB or that has otherwise been identified and brought to the attention of the ARB would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing. To be considered by the Board, written submissions must be addressed to and

received by the Clerk of the Board **no later than 12:00 noon, December 11, 2002** and addressed to the following:

Clerk of the Board
Air Resources Board
1001 "I" Street, 23rd Floor
Sacramento, CA 95814

Electronic mail is to be sent to: adminpen@listserv.arb.ca.gov and received at the ARB **no later than 12:00 noon December 11, 2002** or received by the Clerk of the Board at the hearing.

Facsimile submissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB no later than **12:00 noon, December 11, 2002**.

The Board requests but does not require that 30 copies of any written statement be submitted and that all written statements are filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY

This regulatory action is proposed under that authority granted in sections 39600, 39601, 42410, 43023, 43028, 43031(a) and 44011.6(m), of the Health and Safety Code.

This action is proposed to implement, interpret and make specific relevant provisions of Senate Bill 527 (Sher; Stats, 2001, Chaptered 769) codified at sections 39010, 39514, 39600, 39601, 39674, 42401, 42402, 42402.1, 42402.2, 42402.3, 42403, 42410, 43008.6, 43102, 43106, 43021, 43023, 43026, 43027, 43028, 43029, 43030, 43031(a), 43154, 43201, 43211, 43212, and 44011.6 of the Health and Safety Code and Government Code sections 6250 et seq., 11500, 11181, 11182, 11184-11188, 11189, 11191, 11340.1-11340.5, 11415.60, 11425.30, 11425.40, 11430.70-11430.80, 11435.25, 11435.30, 11435.55, 11440.30, 11440.50, 11450.05-11450.30, 11455, 11455.30, 11505.3, 11507.6, 11507.7, 11509, 11511, 11512, and 11525. Code of Civil Procedure sections 1013, 1013(a), 1094.5, 1985-1985.4, 1987, and 1988, 13 CCR, sections 2048 and 60075.1, title 17 CCR, sections 60065.9, 60075.1, and 91000 et seq., and *Mathews v. Eldridge*, 424 U.S. 319 (1976).

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the Board's Public Information Office, Air Resources Board, 1001 I Street, Environmental Services Center, 1st Floor, Public Information Office, Sacramento, CA 95814, (916) 322-2990.

TITLE 17. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER THE ENHANCED VAPOR RECOVERY TECHNOLOGY REVIEW AND PROPOSED AMENDMENTS OF VAPOR RECOVERY SYSTEM CERTIFICATION AND TEST PROCEDURES FOR GASOLINE MARKETING OPERATIONS AT SERVICE STATIONS

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider adoption of amendments to the regulations for certification and testing of vapor recovery systems installed at gasoline dispensing facilities (service stations and similar facilities).

DATE: December 12, 2002

TIME: 9:00 a.m.

PLACE: California Environmental Protection Agency
Air Resources Board
Central Valley Auditorium, Second Floor
1001 I Street
Sacramento, Ca 95814

This item will be considered at a two-day meeting of the ARB, which will commence at 9:00 a.m., December 12, 2002, and may continue at 8:30 a.m., December 13, 2002. This item may not be considered until December 13, 2002. Please consult the agenda for the meeting, which will be available at least 10 days before December 12, 2002 to determine the time when this item will be considered.

This facility is accessible to persons with disabilities. If accommodation is needed, please contact ARB's Clerk of the Board at (916) 322-5594, or Telephone Device for the Deaf (TDD)(916) 324-9531,

or (800) 700-8326 for TDD calls from outside the Sacramento area, by November 26, 2002, to ensure accommodation.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendments to sections 94010, 94011, 94163, 94164, and 94165, title 17, California Code of Regulations (CCR) and the documents incorporated by reference therein. Proposed adoption of new sections 94166 and 94167, title 17, CCR, and the documents incorporated by reference therein.

Background

Health and Safety Code (H&SC) section 41954 requires the Board to adopt procedures for certifying systems designed to control gasoline vapor emissions during gasoline marketing operations, including storage and transfer operations. Section 39607(d) of the H&SC requires ARB to adopt test methods to determine compliance with ARB and district non-vehicular emissions standards. The adopted test procedures related to gasoline vapor recovery are referenced in sections 94000–94015 and 94100 et seq., title 17, CCR.

In March of 2000, the Air Resources Board approved the Enhanced Vapor Recovery (EVR) regulation amendments. The EVR regulations established new standards for vapor recovery systems to reduce emissions during storage and transfer of gasoline at gasoline dispensing facilities (service stations).

Because several of the EVR standards were viewed to be technology-forcing, the Board directed staff to conduct a technology review for standards with future effective dates. The results of the technology review are presented in Appendix 4 of the staff report. Amendments to the vapor recovery regulations are proposed based on the findings of the EVR Technology Review report.

Need for Amendment and Adoption

The EVR Technology Review report has found that one of the EVR standards (post-refueling drops) is not technologically feasible at this time. If the standard is not changed, no certified nozzles will be available for new installations in April 2004. Also, an error was found in calculating the ISD exemption throughput. If not corrected, service stations entitled to the ISD exemption by virtue of low annual gasoline throughput would not qualify for the exemption.

EVR standards for In-Station Diagnostics and balance component pressure drops were adopted, but lack procedures for determining compliance with the standard. New proposed procedures will fill this need. The existing regulations require rigid underground

pipng, but "rigid" is not defined. The staff's proposal includes a definition for rigid piping and a test procedure for determining whether the definition is met. The existing certification procedure requires continuous pressure monitoring, but does not specify how the monitoring should be accomplished. A new test procedure is proposed to assist manufacturers in collecting the necessary data during the certification tests.

Portions of the EVR program are being implemented now. During the certification process, staff identified areas to improve the certification and test procedures. Modifications to the certification procedure and several of the test procedures are proposed to clarify the procedures and allow more options for EVR systems.

Summary of Staff Proposal

ARB staff proposes to revise ten certification and test procedures and to amend title 17, CCR, sections 94010, 94011, 94163, 94164, and 94165, which incorporate the procedures by reference. The amended procedures are:

Method D-200	Definitions for Vapor Recovery Procedures
Method CP-201	Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities
Method TP-201.1	Volumetric Efficiency for Phase I Systems
Method TP-201.1B	Static Torque of Rotatable Phase I Adaptors
Method TP-201.1C	Pressure Integrity of Drop Tube/ Drain Valve Assembly
Revised Title:	Leak Rate of Drop Tube/Drain Valve Assembly
Method TP-201.1D	Pressure Integrity of Drop Tube Overfill Protection Device
Revised Title:	Leak Rate of Drop Tube Overfill Prevention Device
Method TP-201.2	Efficiency and Emission Factor for Phase II Systems
Method TP-201.2B	Pressure Integrity of Vapor Recovery Equipment
Revised Title:	Flow and Pressure Measurement of Vapor Recovery Equipment
Method TP-201.2D	Post Fueling Drips from Nozzle Spouts
Method TP-201.2F	Pressure Related Fugitive Emissions

ARB staff proposes to adopt five new test procedures and to amend section 94011 and to adopt sections 94166 and 94167, title 17, CCR, which incorporate the procedures by reference. The new test

procedures are proposed to determine compliance with Enhanced Vapor Recovery standards. These proposed new methods are as follows:

Method TP-201.1E	Leak Rate and Cracking Pressure of Pressure-Vacuum Relief Vent Valves
Method TP-201.2G	Bend Radius Determination for Underground Storage Tank Vapor Return Piping
Method TP-201.2I	Test Procedure for In-Station Diagnostic Systems
Method TP-201.2J	Pressure Drop Bench Testing of Vapor Recovery Components
Method TP-201.7	Continuous Pressure Monitoring

The proposed new and revised procedures are summarized below:

Method D-200	Definitions for Vapor Recovery Procedures
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Proposed amendments include defining the terms "aboveground storage tank," "in station diagnostics," and "rigid piping." Clarifications are proposed for the definitions of "effective date," "operative date," "phase II system," "processor," and "underground storage tank."

Method CP-201	Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities
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CP-201 describes the procedure for evaluating and certifying vapor recovery systems used at service stations. CP-201 contains the system performance standards and specifications and references the test procedures or "TPs" used to determine compliance with the certification standards and specifications. Staff proposes revisions to the certification standards and specifications and to the certification process itself.

The driplless nozzle standard is the only standard deemed not feasible at this time by the EVR Technology Review. Data submitted by nozzle manufacturers show that three drips per refueling is achievable with new nozzle designs. Staff proposes modification of the driplless nozzle standard from "one" to "three" drops. Staff also propose minor changes to the Phase II emission factor, processor hydrocarbon rate, spill container, Phase I delivery elbow and daily high pressure requirements to clarify intent.

The adopted regulations provide an exemption from in-station diagnostics for low throughput service stations. The exemption throughput is proposed to be changed from 160,000 gal/year to 300,000 gal/year to include all the stations in the GDF1 model category. Staff also proposes an additional exemption from all

EVR requirements (except ORVR compatibility) for existing stations in districts that are in attainment with the state ozone standard.

Staff proposes to change the effective dates of the liquid retention, spitting and spillage standards from April 2001 to April 2003 to align the implementation with the “dripless nozzle” and EVR Phase II schedules.

Proposed amendments to CP-201 regarding the certification process include clarification of the innovative system certification option, minimum throughput requirements for test sites with multihose dispensers, classification of dispenser piping as non-system-specific, clarification of system-specific and non-system specific components, inclusion of spillage results in the application and clarification of the grounds for termination of certification tests.

Staff proposes to add a provision to allow installation of systems with terminated certifications when certified systems meeting all the operative EVR standards are not commercially available.

The in-station diagnostics (ISD) requirements currently specified in Appendix 1 of CP-201 are proposed to be incorporated into section 10 of CP-201. Staff proposes amendments to the ISD certification process to allow ISD-detected maintenance during the operational test and to certify ISD systems by system-type. Other proposed changes to ISD include modification of the air-to-liquid (A/L) ratio assessment criteria, pressure integrity failure criteria and tampering protection language.

Other minor changes are proposed for CP-201 to correct test procedure references and improve clarity.

Method TP-201.1 Volumetric Efficiency for Phase I Systems

TP-201.1 is used to determine the efficiency of Phase I systems by comparing the volume of vapors emitted to the volume of vapors recovered by the cargo tank. Staff proposes modifications to TP-201.1 to provide an option to use a volume meter to measure, rather than estimate, the volume of vapors recovered by the cargo tank. Additional changes are proposed to TP-201.1 to provide more detailed equipment specifications, add pre-test requirements for a leak-decay test of the facility storage tank, correct an error in equation 9.2, and clarify the test procedure.

Method TP-201.1B Static Torque of Rotatable Phase I Adaptors

TP-201.1B describes how to determine if a rotatable Phase I adaptor complies with the static torque performance standard. Changes are proposed to clarify the purpose and principle of the test procedure, to more completely describe the torque wrench requirement, and to provide a more complete explanation of how to conduct the torque measurements.

Method TP-201.1C Leak Rate of Drop Tube/Drain Valve Assembly

TP-201.1C measures the leak rate of the drop tube/drain valve assembly associated with Phase I equipment. Staff proposes to change the name of the method. Within the method, changes are proposed to clarify the purpose and principle of the test procedure, add equipment specifications, include calibration criteria, clarify the steps involved in leak rate measurement and specification of post-test procedures.

Method TP-201.1D Leak Rate of Drop Tube Overfill Prevention Device

TP-201.1D measures the leak rate of a drop tube overfill prevention device associated with Phase I equipment. Staff proposes to change the name of the method. Within the method, changes are proposed to clarify the purpose and principle of the test procedure, add equipment specifications, include calibration criteria, clarify the steps involved in leak rate measurement and specification of post-test procedures.

Method TP-201.2 Efficiency and Emission Factor for Phase II Systems

Minor changes are proposed to TP-201.2 to define terms in equation 12.7.

Method TP-201.2B Flow and Pressure Measurement of Vapor Recovery Equipment

Modifications to clarify applicability and purpose of TP-201.2 are proposed to sections 1 and 2 of the test procedure. Appendix 1 of TP-201.2, Determination of Pressure and Vacuum Performance Specifications for Pressure/Vacuum Vent Valves, is proposed to be deleted. A new test procedure, TP-201.E, for pressure/vacuum vent valves will replace Appendix 1 of TP-201.2.

Method TP-201.2D Post Fueling Drips from Nozzle Spouts

Modifications are proposed to TP-201.2D to make the test fuelings more similar to a typical customer fueling and avoid overlap with the liquid retention test procedure.

Method TP-201.2F Pressure Related Fugitive Emissions

TP-201.2F is used to determine emissions of pressure-related fugitives during certification testing. Changes are proposed to allow use of the standard pressure decay test in TP-201.3 and calculate fugitives based on the largest allowable leak rate combined with an actual pressure profile.

Method TP-201.1E Leak Rate Measurement of Pressure-Vacuum Vent Valves

As discussed above, the new TP-201.1E, Leak Rate Measurement of Pressure-Vacuum Vent Valves, is proposed to replace Appendix 1 of TP-201.2B. This change is consistent with the practice of specifying TP-201.1X series test procedures for Phase I components. TP-201.1E is a bench test procedure for checking that P/V valves do not exceed the allowable leak rates specified in CP-201.

Method TP-201.2G Bend Radius Determination for Underground Storage Tank Vapor Return Piping

New method TP-201.2G is proposed to reference a test procedure for determining rigid piping as defined in D-200. TP-201.2G provides a simple test procedure for determining whether a 10-foot section of vapor piping meets the minimum bend-radius requirement in order to qualify as rigid piping.

Method TP-201.2I Test Procedure for In-Station Diagnostic Systems

Proposed TP-201.2I is a new test procedure that specifies how ISD systems will be tested during certification to ensure ISD standards are met.

Method TP-201.2J Pressure Drop Bench Testing of Vapor Recovery Components

New test procedure, TP-201.2J, is proposed to determine component pressure drops as specified in section 5.2.2 of CP-201.

Method TP-201.7 Continuous Pressure Monitoring

A new test procedure, TP-201.7, is proposed to ensure pressure data at certification test sites is collected in a consistent manner and meets quality control standards.

Comparable Federal Regulations

There are no comparable federal regulations that certify gasoline recovery systems for service stations; however, changes to ARB vapor recovery regulations have a national impact. ARB certification is required by most other states which mandate Phase I or Phase II vapor recovery at service stations.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSON

The ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action which includes a summary of the environmental and economic impacts of the proposal, and supporting technical documentation, including the Enhanced Vapor Recovery Technology Review Report. The report is entitled: Initial Statement of Reasons for Proposed Rulemaking, Public Hearing to Consider the Enhanced Vapor Recovery Technology

Review and Proposed Amendments of Vapor Recovery System Certification and Test Procedures for Gasoline Marketing Operations at Service Stations.

Copies of the ISOR and full text of the proposed regulatory language, in underline and strike-out format to allow for comparison with the existing regulations, may be obtained from the ARB's Public Information Office, Environmental Services Center, 1001 "I" Street, First Floor, Sacramento, California 95814, (916) 322-2990, at least 45 days prior to the scheduled hearing (December 12, 2002).

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the web site listed below.

Requests for printed documents and inquiries concerning the substance of the proposed regulations may be directed to the designated agency contact persons: Cindy Castronovo or George Lew, Engineering and Certification Branch, Monitoring and Laboratory Division, at (916) 327-0900.

Further, the agency representative and designated back-up contact persons to whom non-substantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration and Regulatory Coordination Unit, (916) 322-6070, or Alexa Malik, Regulations Coordinator, (916) 322-4011. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

If you are a person with a disability and desire to obtain this document in an alternative format, please contact the Air Resources Board ADA Coordinator at (916) 323-4916, or TDD (916) 324-9531 or (800) 700-8326 for TDD calls from outside the Sacramento area.

This notice, the ISOR, and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at <http://www.arb.ca.gov/regact/evrtech/evrtech.htm>.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the cost or savings necessarily incurred in reasonable compliance with the proposed regulatory action are presented below.

The Executive Officer has determined that the proposed regulatory action will not create costs or savings, as defined in Government Code section 11346.5(a)(6), to any state agency or in federal funding to the State, costs or mandate to any local agency or school district whether or not reimbursable

by the state pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, or other nondiscretionary savings to local agencies.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on private persons and businesses. The ARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Executive Officer has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

In accordance with Government Code section 11346.3, the Executive Officer has initially determined that the proposed amendments should not have impacts on the creation or elimination of jobs within the State of California, and should not have impacts on the creation of new businesses and the elimination of existing businesses within the State of California, and no impacts on the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed amendments can be found in the ISOR.

The Executive Officer has determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will affect small businesses.

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer has found that the reporting requirements in the regulations and incorporated documents that apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

Before taking final action on the proposed regulatory action, the ARB must determine that no reasonable alternative considered by the ARB or that has otherwise been identified and brought to the attention of the ARB would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing, or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received by no later than **12:00 noon December 11, 2002**, and addressed to the following:

Postal Mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 "I" Street, 23rd Floor
Sacramento, CA 95814

Electronic mail is to be sent to: evrtech@listserv.arb.ca.gov and received at the ARB by no later than **12:00 noon December 11, 2002**.

Facsimile submissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB no later than **12:00 noon December 11, 2002**.

The Board requests, but does not require, 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The ARB encourages members of the public to bring any suggestions for modification of the proposed regulatory action to the attention of staff in advance of the hearing.

STATUTORY AUTHORITY

This regulatory action is proposed under the authority granted to the ARB in sections 39600, 39601, 39607, and 41954 of the Health and Safety Code. This action is proposed to implement, interpret, or make specific sections 39515, 39516, 39605, 39607, 40001, 41954, 41956.1, 41959, 41960 and 41960.2 of the Health and Safety Code.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the ARB may adopt the regulatory language as originally proposed or with nonsubstantial or grammatical modifications. The ARB may also adopt the proposed regulatory language with other modifications if the modifications are sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for written comment at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Environmental Services Center, 1001 "I" Street, First Floor, Sacramento, California 95814, (916) 322-2990.

TITLE 18. FRANCHISE TAX BOARD

As required by Government Code section 11346.4, this is notice that a public hearing has been scheduled to be held at 10:00 a.m., on December 16, 2002, at 9645 Butterfield Way, Sacramento, California, to consider the adoption of California Code of Regulations, title 18, proposed section 17000.3. Proposed California Code of Regulations, title 18, section 17000.3, is intended to provide definitions for purposes of Government Code section 11125.1, subdivision (c), pertaining to meetings of the Franchise Tax Board. An employee of the Franchise Tax Board will conduct the hearing, and a report will be submitted to the three-member Franchise Tax Board for its consideration.

Interested persons are invited to present comments, written or oral, concerning the proposed regulatory action. It is requested, but not required, that persons who make oral comments at the hearing also submit a written copy of their comments at the hearing.

Government Code section 15702, subdivision (b), provides for consideration by the three-member Franchise Tax Board of any proposed regulatory action, if any person makes such a request in writing. If a written request is received, the three-member Franchise Tax Board will consider the proposed regulatory action prior to adoption.

WRITTEN COMMENT PERIOD

Written comments will be accepted until 5:00 p.m., December 16, 2002. All relevant matters presented will be considered before the proposed regulatory action is taken. Comments should be submitted to the agency officer named below.

AUTHORITY AND REFERENCE

Revenue and Taxation Code section 19503 authorizes the Franchise Tax Board to prescribe regulations necessary for the enforcement of Part 10 (commencing with section 17001), Part 10.2 (commencing with section 18401), Part 10.7 (commencing with section 21001), and Part 11 (commencing with section 23001). Proposed California Code of Regulations, title 18, section 17000.3, implements, interprets and makes specific Government Code section 11125.1, subdivision (c).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Effective January 1, 2002, the Bagley-Keene Open Meeting Act was amended to require public dissemination of certain writings distributed to the Franchise Tax Board members, when those writings relate to an open session agenda item on which the Board may take action at a noticed Board meeting. This new provision is Government Code section 11125.1, subdivision (c).

Proposed California Code of Regulations, title 18, section 17000.3, provides definitions for a term and phrase describing any vote of the Franchise Tax Board with respect to open session meetings and for writings pertaining to a specific open session agenda item and the distribution of these writings to the Franchise Tax Board and the public.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed under Part 7, commencing with Government Code section 17500, of Division 4: None.

Other non-discretionary cost or savings imposed upon local agencies: None.

Cost or savings in federal funding to the state: None.

The Board has made an initial determination that there will be no significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states.

Cost to directly affected private persons/businesses potential: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on the creation or elimination of jobs in the state: None.

Significant effect on the creation of new businesses or elimination of existing businesses within the state: None.

Significant effect on the expansion of businesses currently doing business within the state: None.

Effect on small business: None. The regulation affects small businesses in the same manner as it affects individuals and other businesses.

Significant effect on housing costs: None.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Franchise Tax Board must determine that no reasonable alternative considered by it, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory action.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Franchise Tax Board has prepared an initial statement of reasons for the proposed regulatory

action. The express terms of the proposed regulatory action, the initial statement of reasons for the regulatory action, and all the information upon which the proposed regulatory action is based are available upon request from the agency officer named below. When the final statement of reasons is available, it can be obtained by contacting the agency officer named below, or by accessing the Franchise Tax Board's website at <http://www.ftb.ca.gov>.

CHANGE OR MODIFICATION OF ACTIONS

The Franchise Tax Board may adopt the proposed regulatory action after consideration of any comments received during the comment period. Government Code section 15702, subdivision (b), provides for consideration by the three-member Board of any proposed regulatory action, if any person makes such a request in writing. If a written request is received, the three-member Franchise Tax Board will consider the proposed regulatory action prior to adoption.

The regulations and amendments may also be adopted with modifications if the changes are nonsubstantive or the resulting regulations are sufficiently related to the text made available to the public so that the public was adequately placed on notice that the regulations as modified could result from that originally proposed. The text of the regulations as modified will be made available to the public at least 15 days prior to the date on which the regulations are adopted. Requests for copies of any modified regulations should be sent to the attention of the agency officer named below.

ADDITIONAL COMMENTS

If you plan on attending or making an oral presentation at the regulation hearing, please contact the agency officer named below.

The hearing room is accessible to persons with physical disabilities. Any person planning to attend the hearing, who is in need of a language interpreter, including sign language should contact the officer named below at least two weeks prior to the hearing so that the services of an interpreter may be arranged.

CONTACT

All inquiries concerning this notice or the hearing should be directed to Colleen Berwick at the Franchise Tax Board, Legal Branch, P.O. Box 1720, Rancho Cordova, CA 95741-1720; Tel.: (916) 845-3306; Fax: (916) 845-3648; E-Mail: colleen.berwick@ftb.ca.gov, or the designated backup, Doug Powers; Tel.: (916) 845-4962; Fax: (916) 845-3648; E-Mail: doug.powers@ftb.ca.gov. In addition, all questions on the substance of the proposed regulation can be directed to Doug Powers. This notice, the initial

statement of reasons, and the express terms of the proposed regulation are also available at the Franchise Tax Board's website at <http://www.ftb.ca.gov/>.

TITLE 24. CALIFORNIA ENERGY COMMISSION

NOTICE OF PROPOSED ACTION REGARDING THE BUILDING ENERGY EFFICIENCY STANDARDS CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1 and PART 6

MINOR AMENDMENTS TO UPDATE TO CURRENT VERSION OF NATIONAL FENESTRATION RATING COUNCIL (NFRC) RATING AND LABELING PROCEDURES

Notice is hereby given that the California Energy Commission proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 6 and associated administrative regulations in Part 1. The Energy Commission is proposing minor building standards amendments to update to current NFRC rating and labeling procedures for windows (fenestration).

PUBLIC COMMENT PERIOD

The California Energy Commission's Energy Efficiency Committee will hold a public hearing at the following time, date, and address to receive public comments on possible limited amendments (see Express Terms) to the Building Energy Efficiency Standards. At this hearing, any person may present statements or arguments relevant to the proposed regulatory action summarized below.

PUBLIC HEARING BEFORE THE ENERGY EFFICIENCY COMMITTEE

Wednesday, November 13, 2002

10 AM

CALIFORNIA ENERGY COMMISSION

Hearing Room A

1516 Ninth Street

Sacramento, California

(Wheelchair Accessible)

Written comments will be accepted regarding the proposed changes until the adoption date as described below.

The Energy Efficiency Committee may hold another hearing after that date if it deems necessary. The hearing before the full Energy Commission for final adoption of 45-Day Language will be held on the date below unless the Commission decides to make

substantive changes to the Express Terms through 15-Day Language, in which case the public hearing will be continued to a later noticed date.

PROPOSED ADOPTION DATE—FULL
COMMISSION HEARING

December 11, 2002

10 AM

CALIFORNIA ENERGY COMMISSION

Hearing Room A

1516 Ninth Street

Sacramento, California

(Wheelchair Accessible)

If the Energy Commission decides to propose 15-Day Language modifications to the Express Terms, separate notice of the adoption hearing for the 15-Day Language will be provided.

AUTHORITY AND REFERENCE

The California Energy Commission proposes to adopt these building standards amendments under the authority granted by Public Resources Code Sections 25402 and 25402.1. The Energy Commission is authorized by these statutes to adopt and periodically update standards for energy efficiency in buildings.

The Energy Commission proposes amendments to Title 24, Part 1, Sections 10-102, 10-111(a)1.B., 10-111(a)1.C., and 10-111(a)1.E., and Title 24, Part 6, Sections 101(b), 116(a)1., 116(a)2.A., 141(c)5., and Appendix 1-A.

INFORMATIVE DIGEST

The Building Energy Efficiency Standards adopt the National Fenestration Rating Council's (NFRC) rating and labeling procedures by reference. Virtually all windows installed in buildings subject to the Standards follow those procedures. The current Standards reference 1995, 1997, and 2000 versions of the procedures. NFRC recently adopted the 2002 versions of the procedures, which are technical improvements of the previous procedures. NFRC will allow windows (fenestration) to be labeled with the new procedures starting April 1, 2003, and will require all windows to use the new procedures starting April 1, 2004. This rulemaking proceeding is required to update the Standards to recognize the updated NFRC procedures. The rulemaking will result in a minor reduction in the stringency of the Standards for some windows and virtually no change in stringency for other window products.

Summary of Existing Laws

There are no related laws.

Summary of Existing Regulations

See Informative Digest

Summary of Effect

See Informative Digest

Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations.

Policy Statement Overview

See Informative Digest

OTHER MATTERS PRESCRIBED BY STATUTE
APPLICABLE TO THE AGENCY OR TO ANY
SPECIFIC REGULATION OR CLASS
OF REGULATIONS

Public Resources Code Section 25402 requires the Energy Commission to periodically update its Building Energy Efficiency Standards and Section 25402.1 requires the Commission to maintain an ongoing program of training and technical assistance to implement the Standards. An important part of the implementation of the Standards is maintenance of effective rating and labeling of windows.

MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS

The Energy Commission has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS
Form 399

The Energy Commission expects that the proposed amendments will not result in significant costs or savings to any state agency, local agency, or school district.

- A. Cost or Savings to any state agency: **No**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **No**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- D. Other nondiscretionary cost or savings imposed on local agencies: **No**
- E. Cost or savings in federal funding to the state: **No**

INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES

The Energy Commission has made an initial determination that the proposed amendments will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states. The amendments are no more than a necessary update of the window-rating provisions of the standards to correspond to changing NFRC procedures that are

incorporated by reference into the standards. The changes do not increase the stringency of the performance standards or the cost of compliance.

A Description of all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of the proposed amendments are expected to result in either minor reduction in costs or no costs to private persons or businesses. The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Statement of the result of the assessment of the potential for adverse economic impact on Calif. Enterprise and individuals, avoiding the imposition of unnecessary or unreasonable regs or reporting, record keeping, or compliance requirements per Gov Code Section 11346.3(b)

The Energy Commission finds that adoption of these amendments will have no adverse economic impacts on California enterprise or individuals. There are no changes in record keeping or reporting.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The amendments require no additional reports by private business.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The Energy Commission has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.
No impact
- The creation of new businesses or the elimination of existing businesses within the State of California.
No impact
- The expansion of businesses currently doing business with the State of California.
No impact

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The Energy Commission has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The Energy Commission has determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is

proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Energy Commission website:

http://www.energy.ca.gov/nfrc_rulemaking

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the Energy Commission website.

ENERGY COMMISSION CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Tony Rygg
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street, MS-25
Sacramento, CA 95814
(916) 653-7271
email: trygg@energy.state.ca.us

CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Tony Rygg
Project Manager
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street, MS-25
Sacramento, CA 95814
(916) 653-7271
Email: trygg@energy.state.ca.us
If Mr. Rygg is not available, contact:
Elaine Hebert
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street, MS-25
Sacramento, CA 95814
(916) 654-4800
Email: ehebert@energy.state.ca.us

WRITTEN COMMENT PERIOD/AVAILABILITY OF DOCUMENTS/CONTACT PERSONS

This rulemaking proceeding is scheduled to start with the publication of this Notice of Proposed Action (NOPA) by October 25, 2002. Any interested person

may comment, either orally or in writing, until the adoption hearing scheduled December 11, 2002, or up to the date of final adoption if it is later. Please submit written comments to dockets at

CALIFORNIA ENERGY COMMISSION

Attention: Docket No. 02-NFRC-1

Dockets Office

1516 Ninth Street, MS-4

Sacramento, CA 95814

Comments may also be filed electronically by emailing trygg@energy.state.ca.us or FAXing them to 916/654-4304.

The Energy Commission has prepared an Initial Statement of Reasons (ISOR). Interested persons may request, from the contact person listed below, copies of the ISOR, the Express Terms, or other materials related to this rulemaking by visiting www.energy.ca.gov/nfrc_rulemaking or calling, FAXing, emailing, or writing to

Chris Fultz

CALIFORNIA ENERGY COMMISSION

1516 Ninth Street, MS-25

Sacramento, CA 95814

(916) 654-4064

Fax (916) 654-4304

Email: cfultz@energy.state.ca.us

For assistance in participating in the rulemaking proceeding, please contact the Commission's Public Adviser, Roberta Mendonca, at (916) 654-4489, toll free (800) 822-6228, or by email at pao@energy.state.ca.us.

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

Interested persons should be aware that any of the provisions of the amendments under consideration by the Commission could be substantively changed as a result of public comment, staff recommendations or conclusions of the Commission's Energy Efficiency Committee. Also, additional language not indicated in the Express Terms could be added if it is within the scope of the rulemaking proceeding. If the Commission makes substantive changes to the Express Terms, it will make the full text of the modified amendments available to the public at least 15 days before adoption, as required by Government Code 11346.8.

FINAL STATEMENT OF REASONS

If the proposed amendments are adopted, the Commission will prepare a Final Statement of Reasons. This document will update the Initial Statement of Reasons and respond to public comments. This document can be obtained after the conclusion of the rulemaking by contacting Chris Fultz at (916) 654-4064 or by email at cfultz@energy.state.ca.us.

WEBSITE INFORMATION

The Initial Statement of Reasons, Express Terms, this Notice, and any 15-day language issued subsequently can be accessed at the Commission's website at www.energy.ca.gov/nfrc_rulemaking.

**TITLE MPP. DEPARTMENT OF
SOCIAL SERVICES**

**NOTICE OF PROPOSED CHANGES
IN REGULATIONS**

ITEM # 1 Intercounty Collection of CalWORKs Overpayments and Food Stamps Overissuances
ORD #0702-16

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at public hearings to be held on December 17 and 18, 2002, as follows:

December 17, 2002

Community Care Licensing

1000 Corporate Center, Suite 505

Monterey Park, California

December 18, 2002

CDSS Office Building #9

744 P Street, Auditorium

Sacramento, California

The public hearings will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearings immediately following the completion of testimony presentations. The above-referenced facilities are accessible to persons with disabilities. If you are in need of a language interpreter at the hearings (including sign language), please notify the Department at least two weeks prior to the hearings.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on December 18, 2002.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearings, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT

Anthony J. Velasquez, Chief
Office of Regulations Development
California Department of Social Services
744 P Street, MS 7-192
Sacramento, California 95814
TELEPHONE: (916) 657-2586
FACSIMILE: (916) 654-3286
E-MAIL: ord@dss.ca.gov

CHAPTERS

Manual of Policies and Procedures, Division 40 (Reception and Application), Chapter 40-100 (General), Sections 40-187 (Intercounty Transfer), 40-188 (Transfer Procedure) and 40-190 (County Responsibility; and Division 63 (Food Stamp Program), Chapter 63-800 (Corrective Actions), Section 63-801 (Claims Against Households).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposed regulations will change the procedure by which CalWORKs cash aid overpayments are collected when recipients move from one county to another. Under current policy, when a CalWORKs recipient moves from County A to County B, County B is to collect any overpayments originating in County A and reimburse County A the amount collected. Discussions with county staff indicate that overpayments are not being collected by County B on behalf of County A. These proposed amendments would allow County B to retain any monies collected and the resulting incentive funds. This would serve as an incentive for counties to collect overpayments originated in another county, thereby increasing collections and reducing grant costs.

The proposed regulations will also change the procedure for the recovery of food stamp overissuances when recipients move to another county. Currently, when a recipient moves from County A to County B, County A initiates or continues an overissuance collection. If County A is unable to initiate an action, then County B initiates collection

procedures and receives the resulting incentive. These amendments will, in all instances, require that County B initiate or continue the collection action until the overissuance is fully repaid or the recipient moves to a subsequent county. County B will report the collection and be entitled to any collection incentive.

These proposed amendments to the CalWORKs and Food Stamp program regulations would benefit the Department of Social Services through increased collections and CalWORKs grant cost savings. Counties will also benefit through increased overpayment collections, CalWORKs grant cost savings, and increased incentive funds.

COST ESTIMATE

1. Costs or Savings to State Agencies: None.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: None.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not on local school districts. There are no reimbursable state-mandated costs because these regulations make only technical and clarifying changes. The mandate does not require reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the California Constitution because implementation of the regulations will, if anything, result in negligible costs.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is an impact on small businesses.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of

California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 10053 and 10054, Welfare and Institutions Code. Subject regulations implement and make specific Section 11004, Welfare and Institutions Code; and 7 CFR 273.18.

**CDSS REPRESENTATIVE REGARDING
RULEMAKING PROCESS OF THE
PROPOSED REGULATION**

Contact Person: Anthony J. Velasquez
(916) 657-2586

Backup: Jaimie Porter
(916) 653-8000

**CDSS REPRESENTATIVE REGARDING
SUBSTANCE OF THE PROPOSED REGULATION**

Program Contact: Paulette Stokes
(916) 654-3386

Backup: Linda Lattimore
(916) 654-1322

**AGENDA ITEMS FOR THESE
PUBLIC HEARINGS—
December 17 and 18, 2002**

Item # 1 ORD #0702-16
Intercounty Collection of CalWORKS
Overpayments and Food Stamps
Overissuances

Item # 2 ORD #0302-09
Assistance Dog Special Allowance
(ADSA) Monthly Payment Increase

**TITLE MPP. DEPARTMENT OF
SOCIAL SERVICES**

**NOTICE OF PROPOSED CHANGES
IN REGULATIONS**

ITEM # 2 Assistance Dog Special Allowance
(ADSA) Monthly Payment Increase
ORD #0302-09

The California Department of Social Services (CDSS) hereby gives notice of the proposed regulatory actions described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at public hearings to be held December 17 and 18, 2002 as follows:

December 17, 2002

Community Care Licensing
1000 Corporate Center Drive, Room #605
Monterey Park, California

December 18, 2002

State Office Building #9
744 P Street, Auditorium
Sacramento, California

The public hearings will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The CDSS will adjourn the hearings immediately following the completion of testimony presentations. The above-referenced facilities are accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify CDSS at least two weeks prior to the date of the hearings.

Statements or arguments relating to the proposals may also be submitted in writing, via e-mail, or by fax to the address/number listed below. All comments must be received by 5:00 p.m. on December 18, 2002.

The CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons, and the text of the proposed regulations are available on the Internet at <http://www.dss.cahnet.gov/ord>. Additionally, all the information that CDSS considered as the basis for these proposed regulations (i.e., rulemaking file) is

available for public reading/perusal at the address listed below. Following the public hearings, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT

Anthony J. Velasquez, Chief
Office of Regulations Development
California Department of Social Services
744 P Street, MS 7-192
Sacramento, California 95814
TELEPHONE: (916) 657-2586
FAX: (916) 654-3286
E-MAIL: ord@dss.ca.gov

CHAPTERS

Manual of Policies and Procedures (MPP) Division 46, Section 46-430 (Special Needs—Food, Care, and Maintenance for Assistance Dogs)

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

These proposed regulations implement the requirements of Senate Bill (SB) 1190, (Chapter 452, Statutes of 2001). SB 1190 increased the monthly allowance for Social Security Disability Insurance (SSDI) recipients from \$35 to \$50, equal to the amount of the monthly allowance for SSI/SSP recipients. All ADSA recipients will now be eligible for the same allowance.

These proposed regulations also implement the Department's existing policy interpreting Welfare and Institutions Code Section 18941 by specifying that recipients of the Cash Assistance Program for Immigrants (CAPI)(Division 9, Part 6, Chapter 10.5, Welfare and Institutions Code) are categorically eligible for the ADSA allowance.

COST ESTIMATE

1. Costs or Savings to State Agencies: No fiscal impact exists because this regulation does not affect any State agency or program.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: No fiscal impact exists because this regulation does not affect any local entity or program.
4. Federal Funding to State Agencies: No fiscal impact exists because this regulation does not affect any federally funded State agency or program.

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated costs in these regulations that require state reimbursement under Section 17500, et seq. of the Government code.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The CDSS has made an initial determination that the proposed action will not have a significant, statewide, adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

The CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

The CDSS has determined that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 10553 and 10554 of the Welfare and Institutions Code. These regulations implement and make specific Welfare and Institutions Code Sections 12553, 12554 and 18941.

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Anthony J. Velasquez
(916) 657-2586
Backup: Steve Smalley
(916) 657-2586

**CDSS REPRESENTATIVE REGARDING
SUBSTANCE OF THE PROPOSED REGULATION**

Program Contact: Barbara Lucas
(916) 651-8272

Backup: Tom Lee
(916) 657-3327

**AGENDA ITEMS FOR THESE
PUBLIC HEARINGS—
December 17 and 18, 2002**

- Item # 1 ORD #0702-16
Intercounty Collection of CalWORKS
Overpayments and Food Stamps
Overissuances
- Item # 2 ORD #0302-09
Assistance Dog Special Allowance
(ADSA) Monthly Payment Increase

GENERAL PUBLIC INTEREST

**DEPARTMENT OF
HEALTH SERVICES**

Notice is hereby given that the Drug Use Review (DUR) Board will conduct a public meeting in the Penthouse Suite, 714 P Street, Sacramento, CA beginning at 10 a.m. on Monday, November 18, 2002

Agenda:

1. DUR Drug Information/Alert Incidence Updates
2. DUR Program Enhancements—Early Refill Alert expansion.
3. DUR Projects Overview and Update
4. DUR Education Articles
5. Reassessment of Target Drug List
6. Annual Report preparation.
7. Operational Issues

Speaker Request Forms will be available at the meeting or may be obtained by contacting Electronic Data Systems Corporation, 3215 Prospect Park Drive, Rancho Cordova, CA 95670. Attention: DUR Pharmacist Jude Simon-Leack, Pharm.D., and MSW.

**DEPARTMENT OF
HEALTH SERVICES**

TITLE: PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT FOR FEDERAL FISCAL YEAR (FFY) 2003

ACTION: NOTICE OF HEARINGS FOR PROPOSED FUNDINGS

SUBJECT

The United States Department of Health Services has made funds available to the California Department of Health Services (CDHS) for the development and implementation of programs and activities to decrease the morbidity and mortality that results from preventable disease and injury. The purpose of this hearing is to discuss and receive comments on the State's recommendations for the use of these funds during State Fiscal Year 2002–2003 (FFY 2003).

PUBLIC HEARING PROCESS

Notice is hereby given that CDHS will hold a public hearing commencing at 9:00 a.m. on Thursday, December 19, 2002, in the auditorium at 601 North 7th Street, Sacramento, California, at which time any person may present statements or arguments orally or in writing relevant to the action described in this notice. The Chronic Disease Control Branch, CDHS, 601 North 7th Street, MS 725, P.O. Box 942732, Sacramento, Ca, 942732-7320, must receive any written statements or arguments by 5:00 p.m., Monday, December 9, 2002, which is hereby designated as the close of the written comment period. It is requested, but not required, that written statements or arguments be submitted in triplicate.

CONTACT

Inquiries concerning the action described in this notice may be directed to Mrs. Marcia Levy Rosenstein, Prevention 2010 Coordinator, Chronic Disease Control Branch, at (916) 327-6985. In any such inquiries, please identify the action by using the Department Control letters "PHHSBG".

**AVAILABILITY OF INFORMATION
FOR REVIEW**

The State Plan will be available for review at 601 North 7th Street, Sacramento, California, from 8:00 a.m. to 5:00 p.m., October 25 through December 9, 2002.

**DEPARTMENT OF TOXIC
SUBSTANCES CONTROL**

**Environmental Technology Certification
Extension Notice**

The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) has made a decision to grant an extension for up to seven months to the following company's hazardous waste environmental technology certification:

puraDYN Filter Technologies, Inc.
3020 High Ridge Road, Suite 100
Boynton Beach, FL 33426

DTSC has decided to extend the existing certification to allow time to review the technology for recertification. The puraDYN Filter Technologies, Inc. (puraDYN) By-pass Oil Filtration System was originally certified as the TF Purifier Electric Mobile Oil Refiner in July 1994 (No. 94-01-001, California Regulatory Notice Register, Register 94, No. 25-Z, pages 1009-1013). The puraDYN technology was subsequently recertified as the puraDYN Onboard Oil Management System in May 1998 (No. 98-01-027, California Regulatory Notice Register, Register 98, No. 24-Z, pages 1120-1122). Recertification of the puraDYN technology was previously extended for one year in June 2001 (California Regulatory Notice Register, Register 2001, No. 26-Z, pages 1010-1011).

The extension will last for a maximum of seven months, or until a recertification decision is made. The proposed decision to extend the certification was published in the California Regulatory Notice Register on September 13, 2002 (Register 2002, No 37-Z, pages 1850-1851), and was subject to public comment for 30 days from the date of that notice. DTSC received no comments from the public during that time. The final decision will become effective not sooner than 30 days after its publication. During the periods in which the DTSC publishes proposed and final amendment decisions to a hazardous waste environmental technology certification, the existing certification shall remain valid for a Department initiated amendment, as stated in Title 22 California Code of Regulations, Chapter 46, Section 68100(b).

The puraDYN By-pass Oil Filtration System is an oil purification system that extends oil drain intervals by removing impurities from engines using filtration and evaporation. The system contains a canister which houses a disposable cotton filter and an evaporation chamber with a heating element. Engine oil enters the canister via a metering jet that regulates the flow. The oil passes through the filter where particulate matter is removed. The oil is then heated in an evaporation chamber which removes fuel, water, and coolant. The filtered oil then returns to the engine by gravity flow.

Chapter 412, Statutes of 1993, Section 25200.1.5, Health and Safety Code, enacted by Assembly Bill 2060 (AB 2060 by Assemblyman Ted Weggeland) authorizes DTSC to certify the performance of hazardous waste environmental technologies. The original certification and subsequent recertification of the puraDYN technology were based on DTSC evaluations which included oil sample collection and testing, a review of customer-supplied data, and consultations with oil manufacturers. The purpose of the certification program is to provide an in-depth, independent review of technologies at the manufacturers' level to facilitate regulatory and end-user acceptance and to promote and foster growth of California's

environmental technology industry. DTSC makes no express or implied warranties as to the performance of the manufacturer's product or equipment. The end-user is solely responsible for complying with the applicable federal, state, and local regulatory requirements. Certification does not limit DTSC's authority to require additional measures for protection of public health and the environment.

Additional information regarding DTSC's decision to extend certification of the puraDYN technology can be obtained at:

California Environmental Protection Agency
Department of Toxic Substances Control
Office of Pollution Prevention and
Technology Development
P.O. Box 806
Sacramento, California 95812-0806
Attention: Mr. Dick Jones (916) 322-3292

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

HOUSEHOLD HAZARDOUS WASTE UNIT STATE REGULATORY PROGRAMS DIVISION PUBLIC NOTICE FOR VARIANCE ISSUANCE

On October 4, 2002, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a three-year variance renewal to San Luis Obispo County Integrated Waste Management Program. Authority for this action is contained in Health and Safety Code, section 25143. The variance authorizes San Luis Obispo County to collect hazardous waste from qualified Conditionally Exempt Small Quantity Generator (CESQG) sites, oil from the marine bilge water collection site, and non-RCRA abandoned and emergency response using shipping papers and a registered hazardous waste transporter. A receipt is issued for each collection and wastes are transported under shipping papers to an authorized household hazardous waste collection facilities operating under permit-by-rule. Standards exempted are contained in Health and Safety Code, sections 25160, 25201(a) and 25218.3(b). For additional information contact Lee Halverson of the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

HOUSEHOLD HAZARDOUS WASTE UNIT STATE REGULATORY PROGRAMS DIVISION PUBLIC NOTICE FOR VARIANCE ISSUANCE

On September 26, 2002, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a conditionally exempt small quantity generator (CESQG) transportation and manifesting variance renewal to San Luis Obispo County household hazardous waste collection

program. Authority for this action is contained in Health and Safety Code, section 25143. The variance authorizes San Luis Obispo County's household hazardous waste collection facilities to accept, and qualified small businesses to transport, up to 100 kilograms (220 pounds/27 gallons) of hazardous waste at one time per month without meeting registered transporter or hazardous waste manifest requirements. Standards exempted are contained in Health and Safety Code, sections 25163(a) and 25160 respectively. Transported waste is shipped in accordance with federal Department of Transportation, California Highway Patrol, and California Vehicle Code requirements. For additional information contact Lee Halverson at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

**HOUSEHOLD HAZARDOUS WASTE UNIT
STATE REGULATORY PROGRAMS DIVISION
PUBLIC NOTICE FOR VARIANCE ISSUANCE**

On September 26, 2002, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a three-year conditionally exempt small quantity generator (CESQG) transportation and manifesting variance renewal to Sonoma County's household hazardous waste collection program. Authority for this action is contained in Health and Safety Code (HSC), section 25143. The variance authorizes Sonoma County's household hazardous waste collection facilities to accept and qualified small businesses to transport up to 100 kilograms (220 pounds/27 gallons) of hazardous waste at one time per month without meeting registered transporter or hazardous waste manifest requirements. Standards exempted are contained in Health and Safety Code, sections 25163(a) and 25160 respectively. Transported waste is shipped in accordance with federal Department of Transportation, California Highway Patrol, and California Vehicle Code requirements. For additional information contact Lee Halverson at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

**HOUSEHOLD HAZARDOUS WASTE UNIT
STATE REGULATORY PROGRAMS DIVISION
PUBLIC NOTICE FOR VARIANCE ISSUANCE**

On September 26, 2002, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a three-year conditionally exempt small quantity generator (CESQG) transportation and manifesting variance renewal to Tuolumne County's household hazardous waste collection program. Authority for this action is contained in Health and Safety Code, section 25143. The variance authorizes the Tuolumne County's household hazardous waste collection facilities to

accept, and qualified small businesses to transport, up to 100 kilograms (220 pounds/27 gallons) of hazardous waste at one time per month without meeting registered transporter or hazardous waste manifest requirements. Standards exempted are contained in Health and Safety Code, sections 25163(a) and 25160 respectively. Transported waste is shipped in accordance with federal Department of Transportation, California Highway Patrol, and California Vehicle Code requirements. For additional information contact Lee Halverson at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

DECISION NOT TO PROCEED

EDUCATION AUDITS APPEAL PANEL

NOTICE OF DECISION NOT TO PROCEED

Pursuant to Government Code Section 11347, the Education Audits Appeal Panel has decided not to proceed with the proposal to adopt Sections 19801-19811 in Title V, Division 1, Chapter 24 of the California Code of Regulations (Notice File No. Z-02-0731-01, published August 16, 2002, in the California Regulatory Notice Register 2001, No. 33-Z, page 1650).

CONTACT PERSON

Inquiries concerning the substance of the proposed action may be directed to:

Lenin Del Castillo, Interim Clerk
Education Audits Appeal Panel
915 L Street, C#419
Sacramento, CA 95815
Telephone: (916) 445-0328
E-mail: Lenin.DelCastillo@dof.ca.gov

SUMMARY OF REGULATORY ACTIONS
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**REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

CALIFORNIA HORSE RACING BOARD
Prohibited Veterinary Practices

This regulatory action adopts section 1867 of title 4 of the California Code of Regulations which describes as prohibited veterinary practices the possession and/or use on the premises of a facility under the jurisdiction of the Board of (a) Erythropoietin (EPO) and Darbepoietin and (b) any drug, substance or medication that has not been approved by the United States Food and Drug Administration for use in the United States.

Title 4
 California Code of Regulations
 ADOPT: 1867
 Filed 10/15/02
 Effective 11/14/02
 Agency Contact: Harold Coburn (916) 263-6397

DEPARTMENT OF CHILD SUPPORT SERVICES
Program Administration—Administrative
Reporting—Quality Control—Performance Standards

This filing is a certificate of compliance for emergency regulations filed on September 6, 2001 and readopted on March 5, 2002 which specified data submission requirements for local child support agency's. The requirements are the same as those imposed by the regulation being repealed in this action, and those imposed by other state and federal laws. The reporting involves a variety of collection and distribution data and service activity statistics for the child support program and data related to performance measures. The emergency regulations were deemed an emergency pursuant to section 17306(e)(2) of the Family Code and remained in effect for 180 days.

Title 22
 California Code of Regulations
 ADOPT: 111900, 111910, 111920, 121100, 121120, 121140 REPEAL: (MPP) 12-435
 Filed 10/09/02
 Effective 10/09/02
 Agency Contact: Lucila Ledesma (916) 464-5087

DEPARTMENT OF CONSERVATION
SB528 Site historical Review Permanent Regulations

This is the timely certification of compliance for an emergency action updating the procedure for Department review of an application for certification of a recycling center or processor, to accommodate a change in the relevant statutes that requires the Department to consider whether a recycling center or processor operating in the same location has operated in compliance with applicable laws during the prior 5 years.

Title 14
 California Code of Regulations
 AMEND: 2030
 Filed 10/15/02
 Effective 10/15/02
 Agency Contact: Cheryl Brown (916) 323-0728

DEPARTMENT OF FISH AND GAME
Oil Spill Response Organization Rating

This regulatory action amends the requirements for the Oil Spill Response Organization (OSRO) Rating Program pursuant to AB 715 (Chap. 748, Statutes of 2001).

Title 14
 California Code of Regulations
 ADOPT: 819.06, 819.07 AMEND: 815.03, 815.05, 817.02, 817.03, 818.02, 818.03, 819, 819.01, 819.02.8, 19.03, 819.04, 819.05
 Filed 10/09/02
 Effective 10/09/02
 Agency Contact: Joy Lavin-Jones (916) 327-0910

DEPARTMENT OF FOOD AND AGRICULTURE
Melon Containers

Based on a petition from the Western Growers Association on behalf of melon growers, this rulemaking adds a new, more convenient size melon container and repeals outmoded restrictions which require closed containers and lids.

Title 3
 California Code of Regulations
 AMEND: 1380.19(h), 1420.10, 1442.7 REPEAL: 1420.9, 1442.10
 Filed 10/09/02
 Effective 11/08/02
 Agency Contact:
 Robert A. Cummings (916) 654-0919

DEPARTMENT OF INSURANCE
Rate Hearing Procedures and Case Settlements

The regulatory action deals with rate hearing procedures and case settlements. (Department of Insurance Number RH 02020999.)

Title 10
 California Code of Regulations
 ADOPT: 2660 AMEND: 2646.2, 2648.4, 2651.1, 2652.5, 2655.1, 2655.5, 2655.6, 2655.10, 2656.1, 2656.2, 2656.3, 2656.4, 2657.2, 2658.1, 2659.1, 2661.3, 2697.3
 Filed 10/16/02
 Effective 11/15/02
 Agency Contact:
 Andrea L. Biren (415) 538-4626

DEPARTMENT OF JUSTICE**California Gang, Crime and Violence Prevention Partnership Program**

In this Certificate of Compliance filing, the Department of Justice implements the California Gang, Crime, and Violence Prevention Partnership Program authorized under Penal Code sections 13825.1 through 13825.6. This program provides grants to community-based organizations and non-profit agencies which utilize the funds to provide services and activities designed to prevent or deter at-risk youth from participating in gangs, criminal activity, or violent behavior.

Title 11**California Code of Regulations**

ADOPT: 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 48

Filed 10/10/02

Effective 10/10/02

Agency Contact: Regina Banks (916) 322-2692

FAIR POLITICAL PRACTICES COMMISSION**Reporting Pursuant to GC section 85310**

This regulation concerns reporting payments over a specified amount (\$50,000 or more) to the Secretary of State for communication identifying a candidate. This action adopts the requirement that this report also include a description of the method of media (television, radio, print, etc.) communication for which the payment was made. The action is exempt from OAL's review and is being submitted for filing with the Secretary of State and printing in the California Code of Regulations only.

Title 2**California Code of Regulations**

AMEND: 18539.2

Filed 10/09/02

Effective 10/09/02

Agency Contact: Hyla Wagner (916) 322-5660

FISH AND GAME COMMISSION**WaterFowl Hunting**

This regulatory action revises definitions, hunting zone descriptions, season opening and closing dates, and daily bag and possession limits for California's waterfowl hunting regulations. The Fish and Game Commission has asked OAL for an expedited review and early effective date as some of these seasons open as early as October 12, 2002.

Title 14**California Code of Regulations**

AMEND: 502, 507(c)

Filed 10/09/02

Effective 10/12/02

Agency Contact: John M. Duffy (916) 653-4899

OFFICE OF EMERGENCY SERVICES**California Accidental Release Prevention (CalARP) Program**

The Office of Emergency Services is adopting section 2735.3(rr) which is identical to 40 CFR 68.3, and further adopting section 2770.4.1 which is identical to 40 CFR 68.126. They are also providing a footnote which is identical to a footnote provided in 40 CFR 68.130 to Table 2, which follows section 2770.5. The aforementioned changes are exempt from review by the Office of Administrative Law pursuant to Health and Safety Code section 25533.

Title 19**California Code of Regulations**

ADOPT: 2735.3(rr), 2770.4.1 AMEND: 2735.3(rr) to (zz), 2770.5

Filed 10/10/02

Effective 10/10/02

Agency Contact: Cara Roderick (916) 845-8758

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN JUNE 12, 2002
TO OCTOBER 16, 2002**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

10/09/02 AMEND: 18539.2

10/04/02 AMEND: 1859.81, 1859.91

10/04/02 ADOPT: 18544

09/16/02 AMEND: 1859.79, 1859.79.3, 1859.81.1, 1859.83, 1859.107

09/12/02 AMEND: 18110, 18401, 18404.1, 18451, 18540, 18705.4, 18997

09/09/02 AMEND: 1859.92, 1859.104, 1859.105, 1859.107

08/19/02 ADOPT: 18535

08/14/02 ADOPT: 56, 56.1, 56.2, 56.3, 56.4, 56.5, 56.6, 56.7, 56.8

08/12/02 ADOPT: 1859.71.2, 1859.78.4, 1859.108
AMEND: 1859.50, 1859.70, 1859.72, 1859.73.1, 1859.73.2, 1859.74.1,

1859.75.1, 1859.76, 1859.78.2,
1859.79.3, 1859.81, 1859.81.1, 1859.82,
1859.100, 1859.101, 1859.102, 1859.107
08/12/02 ADOPT: 57.1, 57.2, 57.3, 57.4
08/07/02 ADOPT: 59000
07/31/02 ADOPT: 18450.1
07/25/02 AMEND: 2970
07/11/02 ADOPT: 1859.200, 1859.201, 1859.202,
1859.203, 1859.204, 1859.205, 1859.206,
1859.207, 1859.208, 1859.209, 1859.210,
1859.211, 1859.212, 1859.213, 1859.214,
1859.215, 1859.216, 1859.217, 1859.218,
1859.219, 1859.220
07/11/02 AMEND: 18707.4
07/11/02 AMEND: 554.6
06/27/02 ADOPT: 2351
06/27/02 ADOPT: 18450.3, 18450.4, 18450.5
AMEND: 18402
06/25/02 AMEND: 1189.10
06/20/02 REPEAL: 548.96
06/20/02 AMEND: 561.2, 561.3
06/17/02 AMEND: 18239, 18615, 18616

Title 3

10/09/02 AMEND: 1380.19(h), 1420.10, 1442.7
REPEAL: 1420.9, 1442.10
09/19/02 ADOPT: 6450, 6450.1, 6450.2, 6450.3,
6784 AMEND: 6000 REPEAL: 6450,
6450.1, 6450.2, 6450.3, 6784
09/10/02 AMEND: 3700(c)
09/09/02 AMEND: 6414
08/30/02 AMEND: 3423(b)
08/29/02 AMEND: 1408.3
08/19/02 ADOPT: 3664, 3665, 3666, 3667, 3668,
3669
08/14/02 AMEND: 6172, 6192, 6200, 6252
08/13/02 AMEND: 3423(b)
07/25/02 AMEND: 3423(b)
07/23/02 ADOPT: 7015
07/18/02 AMEND: 6000, 6710
07/11/02 AMEND: 3700(b)
07/03/02 AMEND: 1392.1, 1392.2, 1392.4,
1392.9.1
07/01/02 ADOPT: 1180.3.1, 1180.3.2 AMEND:
300(c)
06/20/02 REPEAL: 3431, 3591.17
06/13/02 AMEND: 2303(t)
06/13/02 ADOPT: 1366

Title 4

10/15/02 ADOPT: 1867
10/07/02 ADOPT: 12300, 12301, 12302, 12303,
12304, 12305, 12306, 12307, 12308
09/12/02 ADOPT: 8110, 8111, 8112, 8113, 8114,
8115, 8116, 8117, 8118, 8119, 8120,
8121, 8122, 8123, 8124, 8125
09/03/02 AMEND: 1107
08/15/02 ADOPT: 4144

08/13/02 AMEND: 7000, 7001, 7002, 7003,
7003.5, 7004, 7005, 7006, 7007, 7008,
7009, 7010, 7011, 7012, 7013, 7013.1,
7013.5, 7014, 7015, 7016, 7017
08/08/02 AMEND: 8072, 8074
07/30/02 AMEND: 2050
07/08/02 AMEND: 2049
07/01/02 ADOPT: 12100, 12102, 12104, 12106,
12108, 12110, 12120, 12130

Title 5

08/15/02 ADOPT: 11980, 11981, 11982, 11983,
11984, 11985,
08/13/02 ADOPT: 11969.10 REPEAL: 11969.9
07/31/02 AMEND: 30950, 30951.1, 30952, 30953,
30954, 30955, 30956, 30957, 30958,
30959
07/30/02 ADOPT: 11969.1, 11969.2, 11969.3,
11969.4, 11969.5, 11969.6, 11969.7,
11969.8, 11969.9
07/29/02 AMEND: 3051.16, 3065
07/15/02 AMEND: 80105, 80109, 80110, 80111,
80112, 80113, 80114, 80115
07/12/02 AMEND: 51010, 53000, 53001, 53002,
53003, 53004, 53005, 53006, 53020,
53021, 53022, 53023, 53024, 53025,
53026, 53027, 53030, 53033, 53034
06/28/02 ADOPT: 11983.5

Title 8

10/01/02 AMEND: 3457(b)
09/25/02 AMEND: 451, 527
09/19/02 AMEND: 14004, 14005
09/12/02 AMEND: 1671.2
09/09/02 ADOPT: 13635.1, 13655, 13656, 13657,
13658, 13659 AMEND: 13630, 13631,
13632, 13633, 13634, 13635, 13637,
13638, 13639, 13640, 13641, 13642,
13643, 13644, 13645, 13646, 13647,
13648, 13649, 13650, 13651, 13652,
13653, 13654
09/03/02 ADOPT: 20299
08/26/02 ADOPT: 340.40, 340.41, 340.42, 340.43,
340.44, 340.45, 340.46, 340.47, 340.48,
340.49, 340.50, 340.51, 340.52
08/05/02 AMEND: 3362
07/31/02 AMEND: 4799
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